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1719-1882	Day 67 - 05/11/11	1883-1980	Day 68 - 05/12/11	1981-2094	Day 69 - 05/13/11
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61	Day 10 - 09/26/11	62-65	Day 11 - 10/03/11	66-68	Day 12 - 10/06/11
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Veto Session

1-6	Day 01 - 09/14/11
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JOURNAL OF THE SENATE

NINETY-SIXTH GENERAL ASSEMBLY

OF THE

STATE OF MISSOURI

FIRST REGULAR SESSION

FIRST DAY—WEDNESDAY, JANUARY 5, 2011

The Senate was called to order at 12:00 noon by Lieutenant Governor Peter Kinder.

The Reverend Carl Gauck offered the following prayer:

Gracious God, we are most grateful for this new year and new session. We come together, some old and others new to the responsibilities that this senate will demand of us. You have blessed each here with a variety of gifts and talents which You call forth to be used effectively during our time together. So we humbly ask that You will give us Your grace and blessings so all that we do this year will be done as onto You and brings forth the best possible outcomes. In Your Holy Name we pray. Amen.

Boy Scout Troop 351, St. Charles Borromeo Catholic Parish presented the Colors.

The Pledge of Allegiance to the Flag was led by Dawson Reynolds, Dexter.

The “Star-Spangled Banner” was performed by members of the Dexter High School Choir.

The President of the Senate stated that the Rules of the Senate would be the Missouri Senate Rules of the 2nd Regular Session of the Ninety-fifth General Assembly until temporary or permanent rules are adopted.

Senator Dempsey announced that photographers from Jefferson City News Tribune, KOMU-TV, MO. News Horizon, KSHB-TV, St. Louis Chinese American News and the Senate and family had been given permission to take flash pictures and to video in the Senate Chamber and gallery today.

Senator Dempsey submitted the following appointments of officers for the temporary organization, which were read:

President Pro Tem	Robert N. Mayer
Secretary of Senate	Terry L. Spieler
Sergeant-at-Arms	Bill Smith
Doorkeeper	Ken Holman

Senator Dempsey requested unanimous consent of the Senate that the above named officers stand as temporary officers until permanent officers are elected, which request was granted.

MESSAGES FROM THE SECRETARY OF STATE

The President laid before the Senate the following communication from the Secretary of State, which was read:

To the Honorable Senate of the 96th General Assembly, First Regular Session, of the State of Missouri:

In compliance with Section 115.525, Revised Statutes of Missouri, I have the honor to lay before you herewith a list of the names of the members of the Senate for the 96th General Assembly (First Regular Session) of the State of Missouri, elected at the November 4, 2008 General Election and the November 2, 2010 General Election.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the official seal of my office this 4th day of January, 2011.

/s/ Robin Carnahan

(Seal)

SECRETARY OF STATE

MISSOURI STATE SENATORS

Elected November 2, 2010

District	Name
2nd	Scott T. Rupp
4th	Joseph Keaveny
6th	Mike Kehoe
8th	Will Kraus
10th	Jolie L. Justus
12th	Brad Lager
14th	Maria N. Chappelle-Nadal
16th	Dan Brown
18th	Brian Munzlinger
20th	Jay Wasson
22nd	Ryan McKenna
24th	John T. Lamping
26th	Brian Nieves
28th	Mike Parson
30th	Bob Dixon
32nd	Ron Richard
34th	Rob Schaaf

MISSOURI STATE SENATORS

Elected November 4, 2008

District	Name
1st	Jim Lembke
3rd	Kevin Engler
5th	Robin Wright-Jones
7th	Jane Cunningham
*9th	Vacant
11th	Victor Callahan
13th	Timothy P. Green
15th	Eric Schmitt
17th	Luann Ridgeway
19th	Kurt Schaefer
21st	Bill Stouffer
23rd	Tom Dempsey
25th	Robert (Rob) Mayer
27th	Jason Glennon Crowell
29th	Jack Goodman
31st	David Pearce
33rd	Chuck Purgason

***Senator Yvonne Wilson resigned effective December 7, 2010. Special Election has been scheduled for February 22, 2011.**

The newly elected Senators advanced to the bar and subscribed to the oath of office, which was administered by the Honorable Judge William L. Syler, 32nd Judicial Circuit.

On roll call the following Senators were present:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

The President declared the First Regular Session of the 96th General Assembly convened.

RESOLUTIONS

Senator Dempsey offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1

BE IT RESOLVED, by the Senate of the Ninety-sixth General Assembly of the State of Missouri, First Regular Session, that the rules adopted by the Ninety-fifth General Assembly, Second Regular Session, as amended, insofar as they are applicable, be adopted as the temporary rules for the control of the deliberations of the Senate of the Ninety-sixth General Assembly, First Regular Session, until permanent rules are adopted.

Senator Dempsey moved that the Senate proceed to perfect its organization, which motion prevailed.

Senator Rupp nominated Senator Rob Mayer for President Pro Tem. Senator Mayers' nomination was seconded by Senator Lager.

No further nominations being made, Senator Mayer was elected President Pro Tem by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent with leave—Senators—None

Vacancies—1

Senator Mayer was escorted to the dais by Senator Cunningham.

Senator Mayer subscribed to the oath of office of President Pro Tem, administered by the Honorable Judge William L. Syler, 32nd Judicial Circuit.

President Pro Tem Mayer assumed the dais and delivered the following address:

Opening Address

Senator Rob Mayer, President Pro Tem
First Regular Session, 96th General Assembly
January 5, 2011

Lt. Governor Kinder, members of the Missouri Senate, our families, friends, and fellow Missourians:

Today as I stand before you and humbly accept the honor of serving as the Senate's Leader, I am hopeful. I am hopeful that we can come together and find the best solutions to the state's budget. I am hopeful that we can help put Missourians back to work. And I am hopeful that we will continue our commitment to the education of our children – along the entire education spectrum.

I thank you, my Senate colleagues, for electing me to this role and am grateful for the trust you have placed in me.

The landscape of the Senate has certainly changed over the past few years. We have watched the era of "Senate Lions" pass, and have

welcomed more and more new faces to this august body.

Over the past two years, we have welcomed 7 new members and, today, we welcome 12 more members into this body of leaders. All in all, that means 19 or more than half of us have served less than two years in the Senate. But you are all now part of a strong tradition of leadership. A great deal will be expected of you over a short amount of time. But I am confident you will rise and meet the challenge of finding common-sense solutions to address the problems our state is facing today.

Our state is facing serious challenges: it is the third budget year in a row where we will begin with a budget shortfall, we need to get Missourians back to work in lasting and growing industries that pay well and offer benefits, and we must make sure that our decisions today do not harm tomorrow's vision for an educated workforce.

Our toughest challenge this year again will be the budget.

The good news is that over the last two years we have made tough decisions. As many other states have fallen off the cliff, compared to most, Missouri is in good financial standing.

To date, our state's revenue is showing signs of growth, but not much. It is forecast that we will end the fiscal year that began in July with a 3.6 percent growth in revenue. So far, we are on track to meet this projection. Unfortunately, even with this small growth over last year, it still means we are facing a \$300 to \$500 Million revenue shortfall for the 2012 Fiscal Year.

That shortfall comes on top of the total decline of a little more than \$1.2 Billion – putting us barely above what the state collected back in Fiscal Year 2005.

When it comes to our budget, very few of the state's general revenue dollars are discretionary dollars. That means in tough budget years, like this one, it becomes even more difficult to reduce spending when certain dollars are earmarked - leaving us with little flexibility in where to cut back.

I look forward to hearing Governor Nixon's budget plan later this month. It is important that he presents a budget that only spends what the government takes in and does not rely on special legislation to pass in order to be balanced.

In the Senate, we will protect taxpayers by continuing to make tough decisions to fund our priorities without a tax increase.

There are three solutions to improving Missouri's budget outlook.

The first solution is to put people back to work in good-paying jobs with benefits. Our state's revenue is reliant on people working and participating in our economy.

I learned from an early age that a job is something to value. A job gives you a sense of worth, accomplishment and the pride of making an honest dollar for an honest day's work. Many times, a job is an opportunity that leads to another job. And in many ways, our jobs help define who we are and who we want to be.

I understand the challenges and difficulties of losing your job. After 12 years on the job for an automotive manufacturing supply company, an economic downturn and restructuring led to me losing my job. My children were young and it was incredibly stressful to not know right away how I was going to provide for my family. But that life-changing moment led me to go back to college and finish my undergraduate degree, and later a law degree. It was tough, but today I own my own law firm. Things could have gone much differently for me. But because there were other opportunities available when my first career ended abruptly, I was able to bounce back. My experience is why making sure other Missourians have job opportunities available to them is so important to me.

Unfortunately, for too many Missourians, there is a void in their lives when it comes to work. Rather than feeling a sense of accomplishment, they face rejections or silence. It's not because of them or anything they have done, it's because there simply are not the opportunities available to them that should be. And that is unacceptable.

It's unacceptable that of the more than 3 Million Missourians that make up our state's work force, more than 280,000 have been out of work for the past year and a half. It is also unacceptable that underemployment has more than doubled to 5 percent from 2007 to 2009.

Missourians want results and we're going to give them results.

This year, we will pass reforms to help put Missourians back to work in good paying jobs with benefits. We will put Missourians back to work by enabling all employers to invest in working families rather than government growth, improving employers' ability to hire and retain quality workers, making sure employees can't be personally sued for honest accidents at work, and ensuring an employee's liberty when it comes to joining or leaving a union.

We will pass a bill capping the Corporate Franchise Tax. We will pass a bill restoring balance to the Missouri Human Rights Act and Whistleblower provisions. We will pass a bill reversing judicial activism in the Workers' Compensation System. And we will pass a bill making Missouri a Right to Work state.

Legislation filed in the Senate this year would cap the maximum amount of franchise tax liability at \$2 Million allowing employers to invest in hiring new employees instead of growing government through higher taxes. This move would encourage investment by large corporations in Missouri while preserving revenue neutrality.

Other legislation filed this year would improve employers' ability to hire and retain quality workers by ending lawsuit abuses. The bill would bring state law in line with federal human rights laws, allowing employers to invest more in jobs rather than spending money on lawsuit abuses and their increased attorneys' fees.

Another piece of legislation filed in the Senate would restore protections for individual employees from personal lawsuits when companies should be held responsible. Missouri employees and employers face higher risks due to a decision last fall that says co-workers can be sued for their role in workplace injuries, even when it was shown to be an honest accident. By reversing this bad decision, Missouri employees will no longer be at risk of personal lawsuits stemming from workplace injuries and will no longer have to seek insurance to protect against lawsuits if an accident were to occur.

And Senate Bill 1 would secure certainty in take-home pay of every working family in Missouri by making sure employees only join unions and pay dues if they want to – rather than as a condition of their job. By becoming a Right to Work state, we will help reduce our unemployment rate. Unemployment is lower in the 22 states - six of them our neighbors - that have adopted Right to Work laws. Numbers from the Bureau of Labor Statistics show that from 1999 to 2009, Right to Work states have added 1.5 Million private sector jobs for a 3.7 percent increase while non Right to Work states lost 1.8 Million jobs over the same decade, for a decline of 2.3 percent. It's time to end the age-old animosity between business and labor and, instead, work together to do what is best for the employer and the employee. That means allowing for personal liberty and the free market to prevail in Missouri's marketplace - so that Missourians can go back to work.

The failure to solve these issues is not an option, as Missourians deserve to have job opportunities rather than unfulfilling visits to a local Career Center.

Our second solution is that we must recognize that the best economic development tool is an educated workforce.

We will continue our commitment to provide world-class educational opportunities to our citizens – along the entire education spectrum.

Since the new school funding formula took place, we have injected an additional \$552 Million in K through 12 education and more than \$1.2 Billion total including our additional investments in higher education, scholarships and early childhood learning.

This year, we will continue our commitment to education by working hard to maintain K through 12 school funding at the same level as last year. Every student should have access to an accredited school – so that no matter where they live they have an opportunity for a world-class education.

We will also work to make college and other post-high school educational opportunities more affordable and available to students. We hope the Governor will join us in this effort, rather than again slashing funding for ACCESS Missouri scholarships and virtual school programs.

The third solution to our budget is to continue to reduce the size and scope of state government so taxpayers can afford to sustain it.

We must consider every possible way to make government smaller and more efficient – whether that is through more control, alterations or deletions.

Rebooting Government is not a short-term program. We have an once-in-a-lifetime opportunity to truly examine and reshape every aspect of state government that could set Missouri on a sustainable, long-term path.

Last year, we began the Rebooting Government initiative and had several early successes saving taxpayers millions of dollars - but we can and will do more.

That is why I am asking every Missourian to share their ideas on how to reboot Missouri state government through a feature on the Missouri Senate website. I especially hope to hear from those on the front lines of state government because their insight can be the most helpful.

Submissions may be anonymous and every idea submitted will be considered. Starting next week, senators will meet in working groups to consider your ideas and will report final recommendations to the entire Senate on January 19th. Now is the time to be heard – please submit your idea today.

Missourians can also expect us to be accountable when it comes to how their tax dollars are spent. This year, the work of a new committee will begin. The members of that committee will be tasked with examining every state department and division, the way they operate, and how they spend taxpayer dollars. The panel will be the Senate Committee on Governmental Accountability.

As we work on these solutions to our budget, many other issues will also come before us this year. Our work will be difficult. The days will be long and our families and friends will have made substantial sacrifices in order for us to be able to serve. We thank you for this and

would like to recognize all of you now. Would our families and friends please stand now to be recognized.

As we enjoy our time with family and friends today and this evening with the pomp and circumstance the occasion brings, it is important for us to remember the work that lies ahead of us. Prepare yourself for tough budget decisions. Remember your neighbor who is unable to find work. Think of our children's educational futures and remind your constituents that their voice will be heard and the spending of their taxpayer dollars held accountable.

With preparation, cooperation and hard work I believe we can secure a promising future for the people of Missouri. A future Missouri that is full of opportunity. A future Missouri where the American Dream is again alive and well. And a future Missouri where families can thrive.

As President Reagan said in 1984, "In this springtime of hope, some lights seem eternal; America's is."

I believe the same is true for Missouri today.

Knowing that all 33 of us share these goals, I again find myself hopeful.

Thank you.

President Kinder assumed the Chair.

Senator Mayer nominated Terry L. Spieler for Secretary of Senate.

No further nominations being made, Ms. Spieler was elected by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Goodman
Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	Lembke
Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Engler—1

Absent with leave—Senators—None

Vacancies—1

Senator Mayer nominated Bill Smith for Sergeant-at-Arms.

No other nominations being made, Mr. Smith was elected by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Goodman
Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	Lembke
Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Engler—1

Absent with leave—Senators—None

Vacancies—1

Senator Mayer nominated Ken Holman for Doorkeeper.

No other nominations being made, Mr. Holman was elected by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Goodman
Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	Lembke
Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Engler—1

Absent with leave—Senators—None

Vacancies—1

Terry L. Spieler, Bill Smith and Ken Holman advanced to the bar and subscribed to the oath of office, which was administered by the Honorable Judge William L. Syler, 32nd Judicial Circuit.

RESOLUTIONS

Senator Dempsey offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 2

BE IT RESOLVED by the Senate, that the Secretary of the Senate inform the House of Representatives that the Senate of the First Regular Session of the Ninety-sixth General Assembly is duly convened and is now in session and ready for consideration of business;

BE IT FURTHER RESOLVED that the Secretary of the Senate notify the House of Representatives that the Senate is now organized with the election of the following named officers:

President Pro Tem	Robert N. Mayer
Secretary of Senate	Terry L. Spieler
Sergeant-at-Arms	Bill Smith
Doorkeeper	Ken Holman

In accordance with Section 9.141, RSMo, the Bill of Rights was read.

On motion of Senator Dempsey, the Senate recessed until 2:45 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Mayer.

Senator Dempsey announced that photographers from ABC 17 were given permission to take pictures in the Senate Chamber today.

FIRST READING OF PRE-FILED SENATE BILLS

As provided in Chapter 21, RSMo 2000, Sections 21.600, 21.605, 21.615 and 21.620, the following pre-filed Bills and/or Joint Resolutions were introduced and read for the first time:

SB 1—By Ridgeway.

An Act to amend chapter 290, RSMo, by adding thereto one new section relating to labor organizations, with penalty provisions.

SB 2—By Ridgeway.

An Act to repeal section 103.080, RSMo, and to enact in lieu thereof one new section relating to the offering of high deductible health plans in the Missouri consolidated health care plan.

SB 3—By Stouffer.

An Act to repeal sections 115.427 and 115.430, RSMo, and to enact in lieu thereof two new sections relating to voter photo identification, with a contingent effective date.

SB 4—By Stouffer.

An Act to repeal section 273.345, RSMo, relating to dog breeders.

SB 5—By Stouffer.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to illegal drug use of applicants and recipients of temporary assistance for needy families benefits.

SB 6—By Goodman.

An Act to amend chapters 376 and 538, RSMo, by adding thereto two new sections relating to faith-based community health centers.

SB 7—By Goodman.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to illegal drug use of applicants and recipients of temporary assistance for needy families benefits.

SB 8—By Goodman.

An Act to repeal sections 287.120 and 287.800, RSMo, and to enact in lieu thereof two new sections relating to workers' compensation.

SB 9—By Rupp.

An Act to repeal sections 130.047, 407.1095, 407.1098, 407.1101, 407.1104, 407.1107, and 407.1110, RSMo, and to enact in lieu thereof nine new sections relating to telephone calls.

SB 10—By Rupp.

An Act to repeal section 288.040, RSMo, and to enact in lieu thereof one new section relating to the denial of unemployment benefits.

SB 11—By McKenna.

An Act to repeal section 304.820, RSMo, and to enact in lieu thereof one new section relating to the banning of text messaging while operating a motor vehicle.

SB 12—By Pearce.

An Act to repeal sections 163.031 and 163.036, RSMo, and to enact in lieu thereof two new sections relating to state funding for elementary and secondary education, with an emergency clause.

SB 13—By Pearce.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to a task force to study teacher compensation.

SB 14—By Pearce.

An Act to repeal section 167.131, RSMo, and to enact in lieu thereof one new section relating to student transfers.

SB 15—By Lembke.

An Act to repeal section 143.171, RSMo, and to enact in lieu thereof one new section relating to state income tax deductions for federal tax income taxes.

SB 16—By Lembke.

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to the use of automated photo red light enforcement systems by local governments.

SB 17—By Lembke.

An Act to amend chapter 191, RSMo, by adding thereto two new sections relating to cord blood banking.

SB 18—By Schmitt.

An Act to repeal section 147.010, RSMo, and to enact in lieu thereof one new section relating to the corporate franchise tax.

SB 19—By Schmitt.

An Act to repeal section 147.010, RSMo, and to enact in lieu thereof one new section relating to the phase-out of the corporate franchise tax.

SB 20—By Wright-Jones.

An Act to repeal section 167.031, RSMo, and to enact in lieu thereof one new section relating to school attendance age.

SB 21—By Wright-Jones.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to kindergarten attendance.

SB 22—By Wright-Jones.

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to environmentally sustainable construction for state-funded buildings.

SB 23—By Keaveny.

An Act to repeal sections 84.010, 86.200, and 86.213, RSMo, and to enact in lieu thereof seven new

sections relating to the St. Louis police force, with an effective date and an expiration date for certain sections.

SB 24—By Keaveny.

An Act to repeal section 307.178, RSMo, and to enact in lieu thereof one new section relating to seat belts, with penalty provisions.

SB 25—By Schaaf.

An Act to repeal section 67.402, RSMo, and to enact in lieu thereof one new section relating to abatement of nuisances.

SB 26—By Wasson.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to a special license plate for the Nixa Education Foundation.

SB 27—By Brown.

An Act to repeal section 288.050, RSMo, and to enact in lieu thereof one new section relating to unemployment benefits.

SB 28—By Brown.

An Act to repeal section 302.020, RSMo, and to enact in lieu thereof one new section relating to protective headgear for operation of motorcycles or motortricycles, with existing penalty provisions.

SB 29—By Brown.

An Act to repeal sections 338.010, 338.140, 338.150, 338.210, 338.220, 338.240, 338.315, and 338.330, RSMo, and to enact in lieu thereof eight new sections relating to veterinary legend drugs, with penalty provisions.

SB 30—By Chappelle-Nadal.

An Act to repeal section 565.090, RSMo, and to enact in lieu thereof one new section relating to harassment, with a penalty provision.

SB 31—By Chappelle-Nadal.

An Act to repeal section 311.196, RSMo, and to enact in lieu thereof one new section relating to the sale of beer.

SB 32—By Chappelle-Nadal.

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to workforce development.

SB 33—By Stouffer.

An Act to repeal section 226.095, RSMo, relating to the abolishment of mandatory arbitration in negligence actions where the department of transportation is a defendant.

SB 34—By Stouffer.

An Act to repeal section 288.050, RSMo, and to enact in lieu thereof one new section relating

unemployment benefits for members of the armed forces.

SB 35—By Lembke.

An Act to repeal section 452.340, RSMo, and to enact in lieu thereof one new section relating to child support.

SB 36—By Lembke.

An Act to repeal section 41.1000, RSMo, and to enact in lieu thereof one new section relating to leave for members of the civil air patrol, with an emergency clause.

SB 37—By Lembke.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to interscholastic athletics.

SB 38—By Wright-Jones.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the prostate cancer pilot program.

SB 39—By Wright-Jones.

An Act to amend chapters 197 and 287, RSMo, by adding thereto two new sections relating to hospital patient safety.

SB 40—By Wright-Jones.

An Act to repeal section 105.711, RSMo, and to enact in lieu thereof one new section relating to state legal expense fund coverage for certain medical consultants.

SB 41—By Chappelle-Nadal.

An Act to repeal section 191.807, RSMo, and to enact in lieu thereof one new section relating to the women, infants and children special supplement food program.

SB 42—By Chappelle-Nadal.

An Act to repeal sections 208.010 and 208.174, RSMo, and to enact in lieu thereof two new sections relating to eligibility for medical assistance.

SB 43—By Chappelle-Nadal.

An Act to amend chapter 198, RSMo, by adding thereto one new section relating to long-term care facilities.

SB 44—By Wright-Jones.

An Act to amend chapter 376, RSMo, by adding thereto two new sections relating to the promotion of the efficient use of health care revenues by requiring health carriers to expend a certain percentage of their total annual revenues on health services, with penalty provisions.

SB 45—By Wright-Jones.

An Act to repeal sections 307.365 and 643.320, RSMo, and to enact in lieu thereof two new sections relating to motor vehicle inspections, with penalty provisions.

SB 46—By Wright-Jones.

An Act to repeal section 494.430, RSMo, and to enact in lieu thereof one new section relating to jury duty.

SB 47—By Wright-Jones.

An Act to repeal section 37.020, RSMo, and to enact in lieu thereof seven new sections relating to state contracts.

SB 48—By Wright-Jones.

An Act to amend chapter 393, RSMo, by adding thereto one new section relating to deposits required by public utilities.

SB 49—By Wright-Jones.

An Act to repeal sections 238.202, 238.208, 238.220, 238.225, 238.232, and 238.236, RSMo, and to enact in lieu thereof six new sections relating to transportation development districts.

SB 50—By Kehoe, Lager, Wright-Jones, Schaefer, Engler, Green and McKenna.

An Act to repeal section 393.135, RSMo, and to enact in lieu thereof one new section relating to site development for energy generation facilities.

SB 51—By Cunningham.

An Act to amend chapter 182, RSMo, by adding thereto one new section relating to public libraries, with penalty provisions.

SB 52—By Cunningham.

An Act to repeal section 137.076, RSMo, and to enact in lieu thereof one new section relating to assessment of real property for tax purposes.

SB 53—By Cunningham.

An Act to repeal sections 407.1095, 407.1098, 407.1101, 407.1104, and 407.1107, RSMo, and to enact in lieu thereof five new sections relating to automated telephone calls.

SB 54—By Cunningham.

An Act to repeal sections 37.710, 160.261, 168.021, 168.071, 168.133, 210.135, 210.145, 210.152, 210.915, 210.922, and 556.037, RSMo, and to enact in lieu thereof sixteen new sections relating to protecting children from sexual offenders, with penalty provisions.

SB 55—By Brown.

An Act to repeal section 137.016, RSMo, and to enact in lieu thereof one new section relating to classification of certain real property.

SB 56—By Rupp.

An Act to amend chapter 633, RSMo, by adding thereto one new section relating to developmental disabilities facilities.

SB 57—By Callahan.

An Act to repeal section 475.115, RSMo, and to enact in lieu thereof one new section relating to public

administrators.

SB 58—By Stouffer.

An Act to repeal sections 387.040, 387.050, 387.080, 387.110, 390.051, 390.061, 390.081, 390.101, 390.116, 390.136, and 390.280, RSMo, and to enact in lieu thereof eighteen new sections relating to motor carrier transportation regulated by the state highways and transportation commission, with penalty provisions.

SB 59—By Keaveny.

An Act to repeal section 456.5-505, RSMo, and to enact in lieu thereof three new sections relating to fiduciaries.

SB 60—By Keaveny.

An Act to repeal sections 404.710, 456.3-301, 456.8-813, 469.411, 469.437, and 469.459, RSMo, and to enact in lieu thereof seven new sections relating to fiduciaries.

SB 61—By Keaveny.

An Act to repeal section 523.040, RSMo, and to enact in lieu thereof one new section relating to condemnation commissioners.

SB 62—By Schaaf.

An Act to repeal section 191.227, RSMo, and to enact in lieu thereof one new section relating to medical records.

SB 63—By Mayer.

An Act to repeal section 256.400, RSMo, and to enact in lieu thereof two new sections relating to major water users.

SB 64—By Parson.

An Act to repeal section 311.180, RSMo, and to enact in lieu thereof two new sections relating to the relationship between manufacturers of beer and wholesalers.

SB 65—By Mayer.

An Act to repeal sections 188.015, 188.029, and 188.030, RSMo, and to enact in lieu thereof two new sections relating to abortion, with penalty provisions.

SB 66—Withdrawn.

SB 67—By Cunningham.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to school district participation in statewide activities associations.

SB 68—By Mayer.

An Act to repeal section 21.400, RSMo, and to enact in lieu thereof one new section relating to subpoenas issued by the general assembly.

SB 69—By Schaefer.

An Act to amend chapters 43 and 537, RSMo, by adding thereto two new sections relating to

pornography.

SB 70—By Schaefer.

An Act to repeal sections 402.199, 402.200, 402.205, 402.210, 402.215, 402.217, 402.220, 473.657, and 475.093, RSMo, and to enact in lieu thereof twelve new sections relating to the Missouri family trust.

SB 71—By Parson.

An Act to repeal section 339.1115, RSMo, and to enact in lieu thereof one new section relating to certain notices required by the Missouri appraisal management company registration and regulation act.

SB 72—By Kraus.

An Act to amend chapter 27, RSMo, by adding thereto one new section relating to federal enforcement of immigration laws, with a referendum clause.

SB 73—By Kraus.

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to automated traffic enforcement systems.

SB 74—By Kraus.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to illegal drug use of applicants and recipients of temporary assistance for needy families benefits.

SB 75—By Kraus.

An Act to repeal sections 105.450 and 105.456, RSMo, and to enact in lieu thereof five new sections relating to ethics, with penalty provisions.

SJR 1—By Ridgeway.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 4 (d) of article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the revenue-neutral replacement of all taxes on income with an amended sales and use tax.

SJR 2—By Stouffer.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article VIII of the Constitution of Missouri, and adopting one new section relating to voter photo identification.

SJR 3—By Goodman.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article IV of the Constitution of Missouri relating to state sovereignty.

SJR 4—Withdrawn.

SJR 5—By Chappelle-Nadal.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 29 of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the department of transportation.

SJR 6—By Chappelle-Nadal.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 30(a) of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the board of freeholders.

SJR 7—By Lembke.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 17 of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to term limits for statewide elected officials.

SJR 8—By Kraus.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article X of the Constitution of Missouri, and adopting one new section relating to a limitation upon state revenue growth.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 76—By Schaaf.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to diagnostic imaging services.

SB 77—By Stouffer.

An Act to repeal section 226.520, RSMo, and to enact in lieu thereof one new section relating to directional signs.

SB 78—By Brown.

An Act to repeal section 143.1004, RSMo, and to enact in lieu thereof one new section relating to the Missouri military family relief fund.

CONCURRENT RESOLUTIONS

Senator Ridgeway offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 1

Relating to disapproval under Article IV, Section 8 of the Missouri Constitution the final order of rulemaking for the proposed amendment to 4 CSR 240-20.100(2)(A) and 4 CSR 240-20.100(2)(B)2 regarding the Electric Utility Renewable Energy Standard Requirements.

WHEREAS, the Public Service Commission filed a proposed amendment for 4 CSR 240-20.100 on January 8, 2010, and filed the order of rulemaking with the Joint Committee on Administrative Rules on June 2, 2010 and filed an amended order of rulemaking with the Joint Committee on Administrative Rules on July 1, 2010; and

WHEREAS, the Joint Committee on Administrative Rules held hearings on June 24, June 30, and July 1, 2010, and has found 4 CSR 240-20.100(2)(A) and 4 CSR 240-20.100(2)(B)2, lacking in compliance with the provisions of Chapter 536, RSMo:

NOW THEREFORE BE IT RESOLVED that the General Assembly finds that the Public Service Commission has violated the provisions of Chapter 536, RSMo, when it failed to comply with the provisions of section 536.014, RSMo; and

BE IT FURTHER RESOLVED that the Ninety-sixth General Assembly, upon concurrence of a majority of the members of the Senate and a majority of the members of the House of Representatives, hereby permanently disapproves and suspends the final order of rulemaking

for the proposed amendment to 4 CSR 240-20.100(2)(A) and 4 CSR 240-20.100(2)(B)2, Electric Utility Renewable Energy Standard Requirements; and

BE IT FURTHER RESOLVED that a copy of the foregoing be submitted to the Secretary of State so that the Secretary of State may publish in the Missouri Register, as soon as practicable, notice of the disapproval of the final order of rulemaking for the proposed amendment to 4 CSR 240-20.100(2)(A) and 4 CSR 240-20.100(2)(B)2, upon this resolution having been signed by the Governor or having been approved by two-thirds of each house of the Ninety-sixth General Assembly, First Regular Session, after veto by the Governor as provided in Article III, Sections 31 and 32, and Article IV, Section 8 of the Missouri Constitution; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governor in accordance with Article IV, Section 8 of the Missouri Constitution.

Read 1st time.

Senator Schaaf offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 2

WHEREAS, excessive and misdirected light is considered energy waste and misuse; and

WHEREAS, current research by the National Park Service indicates the rate at which light pollution is increasing will leave almost no dark skies in the contiguous United States by 2025; and

WHEREAS, many Missouri state parks have an impaired view of the night sky due to light pollution; and

WHEREAS, Missouri state facilities have the duty and responsibility to demonstrate best practices in energy conservation and reduce all visible signs of energy waste:

NOW THEREFORE BE IT RESOLVED that the members of the Senate of the Ninety-sixth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the Department of Natural Resources to provide public education on light pollution and develop guidelines to address light pollution in new and existing state facilities; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the director of each state department.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 5, 2010, while the Senate was not in session.

Saleem Abdulrauf, 7520 Buckingham Drive 1E, Saint Louis, Saint Louis County, Missouri 63105, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2013, and until his successor is duly appointed and qualified; vice, Robert Forget, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 29, 2010, while the Senate was not in session.

Bassem F. Armaly, 1711 Line Avenue, Rolla, Phelps County, Missouri 65401, as a member of the Board of Boiler and Pressure Vessel Rules, for a term ending September 28, 2010, and until his successor is duly appointed and qualified; vice, Edward "Sandy" Renshaw, III, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 13, 2010, while the Senate was not in session.

Charlie Ausfahl, Democrat, 7165 S. Silver Drive, Fulton, Callaway County, Missouri 65251, as a member of the State Soil and Water District Commission, for a term ending August 15, 2012, and until his successor is duly appointed and qualified; vice, Dan Devlin, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 29, 2010, while the Senate was not in session.

Joseph S. Barbosa, 19606 County Road 3292, Helena, Andrew County, Missouri 64459, as the student representative of the Northwest Missouri State University Board of Regents for a term ending December 31, 2011, and until his successor is duly appointed and qualified; vice, Bradley D. Gardner, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 3, 2010, while the Senate was not in session.

Robert Barrett, Republican, 18352 South 1453 Road, Nevada, Vernon County, Missouri 64772, as a member of the Missouri Citizens'

Commission on Compensation for Elected Officials, for a term ending February 1, 2012; vice, Constitution of Missouri Article XIII, Section 3.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY

65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 23, 2010, while the Senate was not in session.

Virginia A. Beatty, 6736 State Road UU, Fulton, Callaway County, Missouri 65251, as a member of the Organ Donation Advisory Committee, for a term ending January 1, 2015, and until her successor is duly appointed and qualified; vice, Virginia A. Beatty, reappointed.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY

65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 29, 2010, while the Senate was not in session.

Vergil L. Belfi, 5638 Murdoch, Saint Louis City, Missouri 63109, as a member of the Board of Boiler and Pressure Vessel Rules, for a term ending September 27, 2013, and until his successor is duly appointed and qualified; vice, reappointed to full term.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY

65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 10, 2010, while the Senate was not in session.

Michelle R. Bernth, Independent, 528 Queens Court Place, Saint Peters, Saint Charles County, Missouri 63376, as a member of the Air Conservation Commission, for a term ending October 13, 2013, and until her successor is duly appointed and qualified; vice, Kevin Rosenbohm, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 5, 2010, while the Senate was not in session.

Leo Blakley, Democrat, 2106 North 35th Street, St. Joseph, Buchanan County, Missouri 64506, as a member of the Missouri Western State University Board of Governors, for a term ending October 29, 2016, and until his successor is duly appointed and qualified; vice, Ryne Lilly, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 22, 2010, while the Senate was not in session.

Patricia Bolz, Republican, 9 Grim Place, Kirksville, Adair County, Missouri 63501, as a member of the Missouri Citizens' Commission on Compensation for Elected Officials, for a term ending February 1, 2012; vice, Constitution of Missouri Article XIII, Section 3.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 4, 2011, while the Senate was not in session.

Kenneth J. Bonnot, 136 Cottonwood Trails Lane, Jefferson City, Osage County, Missouri 65101, as Director of the Division Credit Unions, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 26, 2010, while the Senate was not in session.

Bill Burch, Democrat, 658 N Ranney, Sikeston, Scott County, Missouri 63801, as a member of the Missouri Citizens' Commission on Compensation for Elected Officials, for a term ending February 1, 2012; vice, Constitution of Missouri Article XIII, Section 3.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 15, 2010, while the Senate was not in session.

Tamara Burlis, 1834 Hollow Tree Court, Chesterfield, Saint Louis County, Missouri 63017, as a member of the Advisory Commission for Physical Therapists, for a term ending October 1, 2013, and until her successor is duly appointed and qualified; vice, Mark Mattingly, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 2, 2010, while the Senate was not in session.

Janette Call, 253 Jenny Street, Perryville, Perry County, Missouri 63775, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists, for a term ending January 11, 2013, and until her successor is duly appointed and qualified; vice, Ervin Dock, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 26, 2010, while the Senate was not in session.

Archie Camden, 322 Rue Terre Bonne, Bonne Terre, St. Francois County, Missouri 63628, as a member of the State Board of Embalmers and Funeral Directors, for a term ending September 1, 2011, and until his successor is duly appointed and qualified; vice, Joy Gerstein, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 15, 2010, while the Senate was not in session.

Nicole Colbert-Botchway, Democrat, 5251 Washington Place, Saint Louis, Saint Louis County, Missouri 63108, as a member of the Missouri Women's Council, for a term ending December 6, 2013, and until her successor is duly appointed and qualified; vice, Sarah Murray, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 1, 2010, while the Senate was not in session.

Jacklyn J. Crow, 2423 Southern Hills, Mexico, Audrain County, Missouri 65265, as a member of the Board of Cosmetology and Barber Examiners, for a term ending May 1, 2014 and until her successor is duly appointed and qualified; vice, Cynthia Webb Bald, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 12, 2010, while the Senate was not in session.

James Cunningham, 2315 West 5th Street, Sedalia, Pettis County, Missouri 65301, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2013, and until his successor is duly appointed and qualified; vice, James Cunningham, reappointed.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 5, 2010, while the Senate was not in session.

William Dalton, Democrat, 2336 East Glenwood, Springfield, Greene County, Missouri 65804, as a member of the State Environmental Improvement and Energy Resources Authority, for a term ending January 22, 2012, and until his successor is duly appointed and qualified; vice, Jason Morgan, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 3, 2010, while the Senate was not in session.

Judith Davidson, Democrat, 259 Madison Park Drive, Cottleville, St. Charles County, Missouri 63376, as a member of the Missouri Citizens' Commission on Compensation for Elected Officials, for a term ending February 1, 2012; vice, Constitution of Missouri Article XIII, Section 3.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 4, 2011, while the Senate was not in session.

Thomas Davis, 13308 East 93rd Street, Kansas City, Jackson County, Missouri 64138, as a member of the Behavior Analyst Advisory Board, for a term ending January 4, 2013, and until his successor is duly appointed and qualified; vice, RSMo 337.305.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 29, 2010, while the Senate was not in session.

Darren M. Doherty, 102 South Holden Street, Warrensburg, Johnson County, Missouri 64093, as the student representative of the University of Central Missouri Board of Governors for a term ending December 31, 2011, and until his successor is duly appointed and qualified; vice, Ryan Sanders, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 2, 2010, while the Senate was not in session.

Scott Englund, 1320 Roseview Drive, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri Veterans' Commission, for a term ending November 2, 2013, and until his successor is duly appointed and qualified; vice, Scott Englund, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on

September 23, 2010, while the Senate was not in session.

Kurt Finklang, 988 Chelle Lane, Troy, Lincoln County, Missouri 63379, as a member of the State Board of Optometry, for a term ending June 30, 2012, and until his successor is duly appointed and qualified; vice, Danny Nestleroad, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 23, 2010, while the Senate was not in session.

Deborah S. Fritz, 13544 Highway KK, Marshfield, Webster County, Missouri 65706, as a member of the Missouri State Board of Accountancy, for a term ending July 1, 2013, and until her successor is duly appointed and qualified; vice, Stanley Schmidt, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 26, 2010, while the Senate was not in session.

Phylis Lee Gilbert, Democrat, 5229 Stonehaven Drive, Springfield, Greene County, Missouri 65809, as a member of the Missouri Citizens' Commission on Compensation for Elected Officials, for a term ending February 1, 2012; vice, Constitution of Missouri Article XIII, Section 3.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on

September 23, 2010, while the Senate was not in session.

Casey Cash Gill, Democrat, 11275 Cypress Point Lane, Dexter, Stoddard County, Missouri 63841, as a member of the Missouri Real Estate Appraisers Commission, for a term ending September 12, 2013, and until his successor is duly appointed and qualified; vice, Shawn Ordway, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 29, 2010, while the Senate was not in session.

Christopher A. Gordon, 123 Couch Avenue, Kirkwood, Saint Louis County, Missouri 63122, as a member of the State Historical Records Advisory Board, for a term ending November 01, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 23, 2010, while the Senate was not in session.

Dorothy Grange, 639 West Polo Drive, Saint Louis, Saint Louis County, Missouri 63105, as a member of the Missouri Genetic Advisory Committee, for a term ending April 9, 2011, and until her successor is duly appointed and qualified; vice, Christopher Beck, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January

4, 2011, while the Senate was not in session.

Karen Greiner, 12224 Kingshill Drive, Saint Louis, Saint Louis County, Missouri 63141, as a member of the Behavior Analyst Advisory Board, for a term ending January 4, 2014, and until her successor is duly appointed and qualified; vice, RSMo 337.305.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 23, 2010, while the Senate was not in session.

Charles J. Gulas, 2054 Wild Horse Creek Road, Wildwood, Saint Louis County, Missouri 63038, as a member of the Advisory Commission for Physical Therapists, for a term ending October 1, 2012, and until his successor is duly appointed and qualified; vice, Paula Burnett, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 29, 2010, while the Senate was not in session.

Melanie J. Guthrie, 10416 Northeast 100th Court, Kansas City, Clay County, Missouri 64157, as a member of the Advisory Commission for Anesthesiologist Assistants, for a term ending July 1, 2011, and until her successor is duly appointed and qualified; vice, Timothy Cooper, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July

29, 2010, while the Senate was not in session.

Michael Hall, 230 Virginia, Hannibal, Marion County, Missouri 63401, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2011, and until his successor is duly appointed and qualified; vice, Roger D. Porter, resigned.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY

65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 24, 2010, while the Senate was not in session.

Herbert Hardwick, Democrat, 6601 State Line Road, Kansas City, Jackson County, Missouri 64113, as a member of the Lincoln University Board of Curators, for a term ending January 1, 2016, and until his successor is duly appointed and qualified; vice, Hobart Randolph Halsey, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY

65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 29, 2010, while the Senate was not in session.

M. Blake Heath, Republican, 4784 Oak Street, Apartment 348, Kansas City, Jackson County, Missouri 64112, as a member of the Kansas City Board of Election Commissioners, for a term ending January 10, 2013, and until his successor is duly appointed and qualified; vice, Cynthia Thompson, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY

65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 23, 2010, while the Senate was not in session.

Heidi M. Hernandez, 5917 NE Coral Circle, Lee's Summit, Jackson County, Missouri 64064, as a member of the Organ Donation Advisory Committee, for a term ending January 1, 2015, and until her successor is duly appointed and qualified; vice, Tammy McLane,

term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 29, 2010, while the Senate was not in session.

Rodney W. Herring, 2707 Sportsman Road, Trenton, Grundy County, Missouri 64683, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2014, and until his successor is duly appointed and qualified; vice, Charles M. Heiss, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 15, 2010, while the Senate was not in session.

Randy Holman, Democrat, 2180 Sunnyside Road, Festus, Jefferson County, Missouri 63028, as a member of the State Tax Commission, for a term ending January 23, 2014, and until his successor is duly appointed and qualified; vice, Jennifer Tidwell, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 26, 2010, while the Senate was not in session.

Julie Hurst, Republican, 502 Spruce Street, Tarkio, Atchison County, Missouri 64491, as a member of the Missouri Citizens' Commission on Compensation for Elected Officials, for a term ending February 1, 2012; vice, Constitution of Missouri Article XIII, Section 3.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 15, 2010, while the Senate was not in session.

Joan M. Keiser, 3676 South Broadway, Springfield, Greene County, Missouri 65807, as a member of the Organ Donation Advisory Committee, for a term ending January 1, 2015, and until her successor is duly appointed and qualified; vice, Michael C. Perry, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 8, 2010, while the Senate was not in session.

Garry Kemp, Democrat, 2514 NW Windwood Drive, Lee's Summit, Jackson County, Missouri 64081, as a member of the Jackson County Sports Complex Authority, for a term ending July 15, 2015, and until his successor is duly appointed and qualified; vice, Michael Smith, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 19, 2010, while the Senate was not in session.

Kristi Kenney, 2302 N. Antioch Road, Clinton, Henry County, Missouri 64735, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2013, and until her successor is duly appointed and qualified; vice, Katherine Hilton, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 19, 2010, while the Senate was not in session.

Fareesa Khan, Democrat, 543 Oakhaven Lane, St. Louis, St. Louis County, Missouri 63141, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2011, and until her successor is duly appointed and qualified; vice, Toni Smith, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 26, 2010, while the Senate was not in session.

Jerry King, Republican, Rural Route 4 Box 744, Butler, Bates County, Missouri 64730, as a member of the Missouri Citizens' Commission on Compensation for Elected Officials, for a term ending February 1, 2012; vice, Constitution of Missouri Article XIII, Section 3.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 4, 2011, while the Senate was not in session.

Jennifer Kirby, 4702 West 28th Street, Joplin, Jasper County, Missouri 64804, as a member of the Behavior Analyst Advisory Board, for a term ending January 4, 2015, and until her successor is duly appointed and qualified; vice, RSMo 337.305.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 29, 2010, while the Senate was not in session.

Patrice L. Komoroski, Independent, 65 West Meath Ring, Saint Charles, Saint Charles County, Missouri 63304, as a member of the Missouri Board for Respiratory Care, for a term ending April 3, 2012, and until her successor is duly appointed and qualified; vice, Martha Gragg, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 29, 2010, while the Senate was not in session.

William A. Krodinger, Independent, 866 Craig Forest Lane, Kirkwood, Saint Louis County, Missouri 63122, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 2012, and until his successor is duly appointed and qualified; vice, Gordon Kinne, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 26, 2010, while the Senate was not in session.

Barbara Kuebler, 3204 Pembroke Square, Jefferson City, Cole County, Missouri 65109, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2013, and until her successor is duly appointed and qualified; vice, Barbara Kuebler, reappointed.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 29, 2010, while the Senate was not in session.

Benjamin Lampert, 4367 East Bogey Court, Springfield, Greene County, Missouri 65809, as a member of the Advisory Commission for Anesthesiologist Assistants, for a term ending July 1, 2012, and until his successor is duly appointed and qualified; vice, Toni Smith, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 4, 2011, while the Senate was not in session.

Patrick Lamping, Democrat, 2164 Timber Lane, Barnhart, Jefferson County, Missouri 63012, as a member of the Missouri Development Finance Board, for a term ending September 14, 2012, and until his successor is duly appointed and qualified; vice, Brian May, resigned.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 12, 2010, while the Senate was not in session.

Kecia Leary, 609 N. Jerico, Nixa, Christian County, Missouri 65714, as a member of the MO HealthNet Oversight Committee, for a term ending October 30, 2011, and until her successor is duly appointed and qualified; vice, James McMillen, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 29, 2010, while the Senate was not in session.

Jerome Lee, 665 South Skinker Boulevard, Apartment 15C, Saint Louis City, Missouri 63105, as a member of the Saint Louis City Board of Police Commissioners, for a term ending January 31, 2012, and until his successor is duly appointed and qualified; vice, Todd Epstein, resigned.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 29, 2010, while the Senate was not in session.

Mark S. Lester, 337 County Road 359, Lesterville, Reynolds County, Missouri 63654, as a member of the Board of Boiler and Pressure Vessel Rules, for a term ending September 28, 2012, and until his successor is duly appointed and qualified; vice, Donald W. Link, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 4, 2011, while the Senate was not in session.

Jessa R. Love, 5555 East Mount Zion Church Road, Hallsville, Boone County, Missouri 65255, as a member of the Behavior Analyst Advisory Board, for a term ending January 4, 2014, and until her successor is duly appointed and qualified; vice, RSMo 337.305.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 29, 2010, while the Senate was not in session.

Willis Jackson Magruder, Democrat, 20675 Willis Way, Kirksville, Adair County, Missouri 63501, as a member of the State Fair Commission, for a term ending December 29, 2012, and until his successor is duly appointed and qualified; vice, William Blades, term

expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 26, 2010, while the Senate was not in session.

Sarah R. Maguffee, Democrat, 3705 Dublin Avenue, Columbia, Boone County, Missouri 65203, as a member of the Health and Educational Facilities Authority, for a term ending July 30, 2013, and until her successor is duly appointed and qualified; vice, Steven Hoven, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 23, 2010, while the Senate was not in session.

Pamela L. Marshall, 4280 Washington Boulevard, Saint Louis City, Missouri 63108, as a member of the State Board of Pharmacy, for a term ending September 24, 2015, and until her successor is duly appointed and qualified; vice, Pamela L. Marshall, reappointed.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 12, 2010, while the Senate was not in session.

Betty Marver, 4100 Forest Park #311, Saint Louis, Saint Louis County, Missouri 63108, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2013, and until her successor is duly appointed and qualified; vice, Jeanette Brown, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 23, 2010, while the Senate was not in session.

Timothy D. McBride, 4 Spoede Hills Drive, Creve Coeur, Saint Louis County, Missouri 63141, as a member of the MO HealthNet Oversight Committee, for a term ending October 30, 2011, and until his successor is duly appointed and qualified; vice, Stephen Bradford, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 5, 2010, while the Senate was not in session.

Bridget M. McCandless, 4801 South Maybrook Court, Independence, Jackson County, Missouri 64055, as a member of the MO HealthNet Oversight Committee, for a term ending October 30, 2012, and until her successor is duly appointed and qualified; vice, Renee Walker, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 12, 2010, while the Senate was not in session.

Charles McKenzie, 11813 Summit Street, Kansas City, Jackson County, Missouri 64114, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2013, and until his successor is duly appointed and qualified; vice, Lydia McEvoy, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 5, 2010, while the Senate was not in session.

James J. McMillen, 4004 Miller Road, Saint Joseph, Buchanan County, Missouri 64505, as a member of the MO HealthNet Oversight Committee, for a term ending October 30, 2012, and until his successor is duly appointed and qualified; vice, Travis Shearer, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 13, 2010, while the Senate was not in session.

Donald W. McNutt, 9439 Sappington Estates, Saint Louis, Saint Louis County, Missouri 63127, as a member of the Petroleum Storage Tank Insurance Fund Board of Trustees, for a term ending February 6, 2013 and until his successor is duly appointed and qualified; vice, Donald W. McNutt, reappointed.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 13, 2010, while the Senate was not in session.

Robert Miller, 4224 Kingbolt, Oakville, St. Louis County, Missouri 63129, as a member of the State Board of Mediation, for a term ending April 1, 2012 and until his successor is duly appointed and qualified; vice, Peggy Cochran, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 26, 2010, while the Senate was not in session.

Don Mills, Republican, 4785 East 1260 Road, El Dorado Springs, Cedar County, Missouri 64744, as a member of the Missouri Citizens' Commission on Compensation for Elected Officials, for a term ending February 1, 2012; vice, Constitution of Missouri Article XIII, Section 3.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 23, 2010, while the Senate was not in session.

Craig Miner, 1434 Schulte Rd, St. Louis, St. Louis County, Missouri 63146, as a member of the Committee for Professional Counselors, for a term ending August 28, 2012, and until his successor is duly appointed and qualified; vice, Naomi Hunter, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 12, 2010, while the Senate was not in session.

Dianne Modrell, Democrat, 12987 Burning Bush Court, Saint Louis, Saint Louis County, Missouri 63146, as a member of the State Committee of Marital and Family Therapists, for a term ending October 8, 2015, and until her successor is duly appointed and qualified; vice, RSMo 337.739.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 2, 2010, while the Senate was not in session.

Brandy Mouser, 18461 Lake Circle Drive, Dexter, Stoddard County, Missouri 63841, as a member of the Board of Therapeutic Massage,

for a term ending June 17, 2013 and until her successor is duly appointed and qualified; vice, Charles Fitterling, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 30, 2010, while the Senate was not in session.

Mary Nelson, 4100 Laclede Avenue, Unit #202, St. Louis City, Missouri 63108, as a member of the Administrative Hearing Commission, for a term ending August 29, 2016, and until her successor is duly appointed and qualified; vice, RSMo 621.015.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 12, 2010, while the Senate was not in session.

Ann Nunn-Jones, Democrat, 4922 Lake Road, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri Real Estate Appraisers Commission, for a term ending September 12, 2012, and until her successor is duly appointed and qualified; vice, Janice Jones, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 23, 2010, while the Senate was not in session.

Carmen D. Parker-Bradshaw, 1600 E. Olive Street, Springfield, Greene County, Missouri 65802, as a member of the MO HealthNet Oversight Committee, for a term ending October 30, 2011, and until her successor is duly appointed and qualified; vice, Gwendolyn Crimm, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 13, 2010, while the Senate was not in session.

Sara Parker Pauley, 5901 East Claysville Road, Hartsburg, Boone County Missouri, 56039, as Director of the Department of Natural Resources, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 23, 2010, while the Senate was not in session.

Margaret Pigg, 1222 Scenic Drive, Herculaneum, Jefferson County, Missouri 63048, as a member of the Committee for Professional Counselors, for a term ending August 23, 2011, and until her successor is duly appointed and qualified; vice, Keith Spare, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 15, 2010, while the Senate was not in session.

Ann Pluemer, Democrat, 3585 Lakeview Heights, Saint Louis, Saint Louis County, Missouri 63129, as a member of the Saint Louis County Board of Election Commissioners, for a term ending January 10, 2013, and until her successor is duly appointed and qualified; vice, William Miller, Jr., term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 10, 2010, while the Senate was not in session.

Cynthia Prudden, Democrat, 1012 Southway Drive, Bowling Green, Pike County, Missouri 63334, as a member of the Board of Probation and Parole, for a term ending April 25, 2015, and until her successor is duly appointed and qualified; vice, Robert Robinson, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 19, 2010, while the Senate was not in session.

James Rearden, 1454 Jennifer Drive, Barnhart, Jefferson County, Missouri 63012, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, for a term ending September 30, 2013, and until his successor is duly appointed and qualified; vice, Randall Miltenberger, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 23, 2010, while the Senate was not in session.

Tracy M. Reed, 14291 Riverfront Drive, Florissant, Saint Louis County, Missouri 63034, as a member of the Missouri Genetic Advisory Committee, for a term ending April 9, 2012, and until her successor is duly appointed and qualified; vice, Tracy Reed, reappointed.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 1, 2010, while the Senate was not in session.

Sharlene Rimiller, 312 Troy Street, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists, for a term ending January 1, 2012 and until her successor is duly appointed and qualified; vice, Lois Reine, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 4, 2011, while the Senate was not in session.

Teresa Rodgers, 1915 Merlin Drive, Jefferson City, Cole County, Missouri 65101, as a member of the Behavior Analyst Advisory Board, for a term ending January 4, 2015, and until her successor is duly appointed and qualified; vice, RSMo 337.305.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 12, 2010, while the Senate was not in session.

Dorothy Rowland, 20857 State Hwy D, Dexter, Stoddard County, Missouri 63841, as a member of the Child Abuse and Neglect Review Board, for a term ending September 12, 2012, and until her successor is duly appointed and qualified; vice, Dorothy Rowland, reappointed.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 15, 2010, while the Senate was not in session.

Jeff Schaeperkoetter, Democrat, 5014 Willowby Drive, Jefferson City, Cole County, Missouri 65109, as a member of the State Tax Commission, for a term ending January 23, 2012, and until his successor is duly appointed and qualified; vice, Billy Lee Ransdall,

withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 2, 2010, while the Senate was not in session.

Colleen Scott, Republican, 10225 South Main Entrance Road, Lake Lotawana, Jackson County, Missouri 64086, as a member of the Jackson County Board of Election Commissioners, for a term ending April 4, 2014 and until her successor is duly appointed and qualified; vice, Tammy L. Brown, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 29, 2010, while the Senate was not in session.

Jeanne M. Serra, 326 Gray Avenue, Webster Groves, Saint Louis County, Missouri 63119, as a member of the Missouri Quality Home Care Council, for a term ending March 1, 2013, and until her successor is duly appointed and qualified; vice, Randy Rodgers, resigned.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 15, 2010, while the Senate was not in session.

Reuben Shelton, Democrat, 5155 Westminster Place, Saint Louis City, Missouri 63108, as a member of the Missouri Development Finance Board, for a term ending September 14, 2014, and until his successor is duly appointed and qualified; vice, Danette Proctor, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 29, 2010, while the Senate was not in session.

Teddy E. Sheppard, Republican, 6600 Shep Dairy Lane, Cabool, Texas County, Missouri 65689, as a member of the State Fair Commission, for a term ending December 29, 2012, and until his successor is duly appointed and qualified; vice, Ken H. Keesaman, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 26, 2010, while the Senate was not in session.

Thomas Shrout, Democrat, 5056 Westminster Place, St. Louis City, Missouri 63108, as a member of the Missouri Citizens' Commission on Compensation for Elected Officials, for a term ending February 1, 2012; vice, Constitution of Missouri Article XIII, Section 3.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 1, 2010, while the Senate was not in session.

Elizabeth G. Sims, Republican, 18 Ladue Manor, Ladue, Saint Louis County, Missouri 63124, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2016 and until her successor is duly appointed and qualified; vice, Gregory Upchurch, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 15, 2010, while the Senate was not in session.

Betty Skinner, 1120 S. 18th Street, Saint Louis, Saint Louis County, Missouri 63104, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2013, and until her successor is duly appointed and qualified; vice, Jane Henke, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 2, 2010, while the Senate was not in session.

Dale Smith, 1212 NE 96th Terrace, Kansas City, Clay County, Missouri 64155, as a member of the State Board of Pharmacy, for a term ending December 2, 2015, and until his successor is duly appointed and qualified; vice, Elaina Wolzak, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 10, 2010, while the Senate was not in session.

Deborah J. Smith, Democrat, 12100 Victory Drive, Country Club Village, Andrew County, Missouri 64505, as a member of the Missouri Western State University Board of Governors, for a term ending October 29, 2014, and until her successor is duly appointed and qualified; vice, Diza Eskridge, deceased.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 4, 2011, while the Senate was not in session.

Todd Streff, 19 Lexington Oaks Court, Foristell, Saint Charles County, Missouri 63348, as a member of the Behavior Analyst Advisory Board, for a term ending January 4, 2015, and until his successor is duly appointed and qualified; vice, RSMo 337.305.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 12, 2010, while the Senate was not in session.

Thomas Strong, Independent, 3967 Eaglescliffe Drive, Springfield, Greene County, Missouri 65809, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2012, and until his successor is duly appointed and qualified; vice, David Cole, resigned.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2010, while the Senate was not in session.

Kenneth H. Suelthaus, Republican, 761 Cella Road, Ladue, Saint Louis County, Missouri 63124, as a member of the State Highways and Transportation Commission, for a term ending March 1, 2015, and until his successor is duly appointed and qualified; vice, Kenneth H. Suelthaus, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 29, 2010, while the Senate was not in session.

Deron Sugg, Democrat, 805 Mississippi Avenue, Crystal City, Jefferson County, Missouri 63019, as a member of the Hazardous Waste

Management Commission, for a term ending April 3, 2013 and until his successor is duly appointed and qualified; vice, Suzan Ponder-Bates, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 23, 2010, while the Senate was not in session.

Kathryn Swan, Republican, 3926 Annwood, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2016, and until her successor is duly appointed and qualified; vice, Kathryn Swan, reappointed.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 12, 2010, while the Senate was not in session.

Ingrid D. Taylor, 900 South Hanley, Unit 14B, Clayton, Saint Louis County, Missouri 63105, as a member of the MO HealthNet Oversight Committee, for a term ending October 30, 2011, and until her successor is duly appointed and qualified; vice, Heidi Miller, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 13, 2010, while the Senate was not in session.

Leonard Toenjes, 7837 Gannon Avenue, University City, Saint Louis County, Missouri 63130, as a member of the State Board of Mediation, for a term ending April 1, 2013 and until his successor is duly appointed and qualified; vice, Jay Schultehenrich, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 23, 2010, while the Senate was not in session.

Jennifer Tyus, 4571 Richmond Forest Drive, Florissant, St. Louis County, Missouri 63034, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2013, and until her successor is duly appointed and qualified; vice, Kathleen Hampton, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 13, 2010, while the Senate was not in session.

Russell A. Unger, Democrat, 11 Mumford Drive, Columbia, Boone County, Missouri 65203, as a member of the Missouri Community Service Commission, for a term ending December 15, 2011, and until his successor is duly appointed and qualified; vice, James O'Mara, resigned.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 12, 2010, while the Senate was not in session.

Donald J. Vanderfeltz, 26683 Highway D, California, Moniteau County, Missouri 65018, as a member of the State Board of Optometry, for a term ending June 20, 2013, and until his successor is duly appointed and qualified; vice, Christy Fowler, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 5, 2010, while the Senate was not in session.

Corinne Walentik, 7234 Princeton Avenue, University City, Saint Louis County, Missouri 63130, as a member of the MO HealthNet Oversight Committee, for a term ending October 30, 2012, and until her successor is duly appointed and qualified; vice, John Pearson, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 26, 2010, while the Senate was not in session.

Paul Walle, Republican, 750 Chancellor Heights Drive, Manchester, St. Louis County, Missouri 63011, as a member of the Missouri Citizens' Commission on Compensation for Elected Officials, for a term ending February 1, 2012; vice, Constitution of Missouri Article XIII, Section 3.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 29, 2010, while the Senate was not in session.

Alan H. Wells, 1415 Highway H, Farmington, Saint Francois County, Missouri 63640, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2012 and until his successor is duly appointed and qualified; vice, Sam Coryell, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY

65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 26, 2010, while the Senate was not in session.

Terry Winkler, Democrat, 17020 Lawrence 2059, Miller, Lawrence County, Missouri 65707, as a member of the Missouri Citizens' Commission on Compensation for Elected Officials, for a term ending February 1, 2012; vice, Constitution of Missouri Article XIII, Section 3.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY

65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 12, 2010, while the Senate was not in session.

Dalton Wright, Republican, 21225 Aster Road, Conway, Laclede County, Missouri 65632, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2014, and until his successor is duly appointed and qualified; vice, Duane Schreimann, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY

65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 15, 2010, while the Senate was not in session.

Marvin Wright, 1200 Danforth Drive, Columbia, Boone County, Missouri 65201, as a member of the Missouri Higher Education Loan

Authority, for a term ending October 22, 2014, and until his successor is duly appointed and qualified; vice, Marvin Wright, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 23, 2010, while the Senate was not in session.

Christopher J. Young, 36 Rio Vista Drive, Saint Louis, Saint Louis County, Missouri 63124, as a member of the Advisory Commission for Anesthesiologist Assistants, for a term ending July 1, 2013, and until his successor is duly appointed and qualified; vice, Charles Bowen, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 29, 2010, while the Senate was not in session.

Michael A. Zito, 851 North Glebe Road, Unit 1809, Arlington, Arlington County, Virginia 22203, as a member of the Truman State University Board of Governors, for a term ending January 1, 2016, and until his successor is duly appointed and qualified; vice, Peter Ewell, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 3**.

HOUSE RESOLUTION NO. 3

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-sixth General Assembly, First Regular Session, inform the Senate that the House is duly convened and is now in session ready for consideration of business.

BE IT FURTHER RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-sixth General Assembly is hereby instructed to inform the Senate that the House of Representatives is now duly organized with the following officers to wit:

Speaker Steven Tilley
Speaker Pro Tem Shane Schoeller

Chief Clerk D. Adam Crumbliss
 Doorkeeper Don Knollmeyer
 Sergeant-at-Arms Ralph Robinett
 Chaplain Reverend Monsignor Robert Kurwicki

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 4**.

HOUSE RESOLUTION NO. 4

BE IT RESOLVED, that a message be sent to the Governor of the State of Missouri to inform His Excellency that the House of Representatives and the Senate of the Ninety-sixth General Assembly, First Regular Session of the State of Missouri, are now regularly organized and ready for business, and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 1**.

HOUSE CONCURRENT RESOLUTION NO. 1

BE IT RESOLVED, by the House of Representatives of the Ninety-sixth General Assembly, First Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 7:00 p.m., Wednesday, January 19, 2011, to receive a message from His Excellency, the Honorable Jeremiah W. (Jay) Nixon, Governor of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Governor of the State of Missouri and inform His Excellency that the House of Representatives and Senate of the Ninety-sixth General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 2**.

HOUSE CONCURRENT RESOLUTION NO. 2

BE IT RESOLVED, by the House of Representatives of the Ninety-sixth General Assembly, First Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 10:30 a.m., Wednesday, February 2, 2011, to receive a message from the Honorable William Ray Price, Jr., Chief Justice of the Supreme Court of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Chief Justice of the Supreme Court of the State of Missouri and inform His Honor that the House of Representatives and the Senate of the Ninety-sixth General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that His Honor may desire to submit, and that the

Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

In which the concurrence of the Senate is respectfully requested.

RESOLUTIONS

Senator Lager offered Senate Resolution No. 3, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Kenneth Gillespie, Albany, which was adopted.

Senator Lager offered Senate Resolution No. 4, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Clarence Arthaud, Wheeling, which was adopted.

Senator Schmitt offered Senate Resolution No. 5, regarding Robert Michael Hooch, which was adopted.

Senator Schmitt offered Senate Resolution No. 6, regarding the Ninetieth Birthday of Herald E. Hamann, Kirkwood, which was adopted.

Senator Crowell offered Senate Resolution No. 7, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Delbert Wiseman, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 8, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Oscar Schmidt, Frohna, which was adopted.

Senator Crowell offered Senate Resolution No. 9, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Gary Bickings, Kelso, which was adopted.

Senator Mayer offered the following resolution:

SENATE RESOLUTION NO. 10 NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the Twenty-fifth District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-sixth General Assembly, First Regular Session, that Senate Rules 25 and 28 of the temporary rules adopted on January 5, 2011, be amended to read as follows:

“Rule 25. The president pro tem of the senate shall appoint the following standing committees:

1. Committee on Administration, 5 members.
2. Committee on Agriculture, Food Production and Outdoor Resources, [6] **7** members.
3. Committee on Appropriations, [11] **9** members.
4. Committee on Commerce, Consumer Protection, Energy and the Environment, [10] **9** members.
5. Committee on Education, 9 members.
6. Committee on Financial and Governmental Organizations and Elections, [10] **9** members.
7. Committee on General Laws, [7] **9** members.
8. Committee on Governmental Accountability [and Fiscal Oversight, 7], **5** members.
9. Committee on Gubernatorial Appointments, 9 members.
10. Committee on Health, Mental Health, Seniors and Families, [8] **7** members.
11. Committee on Jobs, Economic Development and Local Government, [10] **9** members.
12. Committee on the Judiciary and Civil and Criminal Jurisprudence, 7 members.
13. Committee on Progress and Development, 5 members.
14. Committee on Rules, Joint Rules, Resolutions and Ethics, [6] **7** members.
15. Committee on Small Business, Insurance and Industry, [9] **7** members.

16. Committee on Transportation, [10] **9** members.

17. Committee on Veterans' Affairs, **Emerging Issues**, Pensions and Urban Affairs, [6] **7** members.

18. Committee on Ways and Means **and Fiscal Oversight**, [8] **5** members.

All committees shall have leave to report at any time. The chairman of any standing committee may appoint one or more subcommittees, with the approval of the committee, to hold hearings on bills referred to the committee and shall report its findings to the standing committee.

Rule 28. The duties of the standing committees of the senate are as follows:

1. The Committee on Administration shall superintend and have sole and complete control of all financial obligations and business affairs of the senate, the assignment of offices and seats, and the supervision of certain designated employees. The committee shall be authorized to employ an administrator, who shall be provided with office space as designated by the committee. The administrator or the secretary of the senate may be authorized to act for the committee, but only in the manner and to the extent as may have previously been authorized by the committee with such authorization entered in the minutes of the committee. No voucher calling for payment from the contingent fund of the senate shall be drawn, nor shall any valid obligation exist against the contingent fund until the same shall have been approved by the committee or its administrator and be recorded in the minutes thereof. All vouchers must be signed by the chairman of the committee or the administrator, if so authorized. The committee or its administrator shall provide for the receiving and receipt of all supplies, equipment and furnishings purchased for the account of the senate, and the distribution thereof. The administrator shall keep a detailed running account of all transactions and shall open his records for inspection to any senator who so requests. All employees other than elected officials of the senate and employees of the individual senators, shall be selected by the committee, who shall control their tenure, set their compensation, assign their duties and exercise complete supervision over them. When necessary, the committee shall assign office space and seats in the senate chamber.

2. The Committee on Agriculture, Food Production and Outdoor Resources shall consider and report upon bills and matters referred to it relating to animals, animal disease, pest control, agriculture, food production, the state park system, conservation of the state's natural resources, soil and water, wildlife and game refuges.

3. The Committee on Appropriations shall consider and report upon all bills and matters referred to it pertaining to general appropriations and disbursement of public money.

4. The Committee on Commerce, Consumer Protection, Energy and the Environment shall consider and report upon bills and matters referred to it relating to the development of state commerce, the commercial sector, consumer protection, telecommunications and cable issues, the development and conservation of energy resources and the disposal of solid, hazardous and nuclear wastes and other matters relating to environmental preservation.

5. The Committee on Education shall consider and report upon bills and matters referred to it relating to education in the state, including the public schools, libraries, programs and institutions of higher learning.

6. The Committee on Financial and Governmental Organizations and Elections shall consider and report upon bills and matters referred to it relating to banks and banking, savings and loan associations and other financial institutions in the state. The committee shall also consider and report upon bills and matters referred to it relating to the reorganization, establishment, consolidation or abolition of departments, boards, bureaus and commissions of state government, the internal operation of any state agency and the effect of federal legislation upon any state agency. The committee shall consider and report upon bills and matters referred to it relating to election law.

7. The Committee on General Laws shall consider and report upon bills and matters referred to it relating to general topics.

8. The Committee on Governmental Accountability [and Fiscal Oversight shall consider and report upon all bills, except regular appropriation bills, that require new appropriations or expenditures of appropriated funds in excess of \$100,000, or that reduce such funds by that amount during any of the first three years that public funds will be used to fully implement the provisions of the Act. Any such senate bill, after having been approved by the regular standing committee to which it has been assigned and after the same has been perfected and ordered printed by the senate, shall thereafter be referred to the Committee on Governmental Accountability and Fiscal Oversight for its consideration prior to its submission to the senate for final passage thereof by the senate. Any such house bill after having been reported by the regular standing committee to which it was assigned shall be referred to the Committee on Governmental Accountability and Fiscal Oversight for its consideration prior to its being considered by the senate for third reading and final passage. Any senate or house bill, amended so as to increase expenditures or reduce revenue in excess of \$100,000 during any of the first three years that public funds will be used to fully implement its provisions shall upon timely motion be referred or re-referred to the Committee on Governmental Accountability and Fiscal Oversight. The author or first-named sponsor of a bill referred to the Committee on Governmental Accountability and Fiscal Oversight shall be entitled to a hearing on his/her bill but such committee hearing shall be limited to the reception of testimony presented by the author or first-named sponsor in person and none other. The Committee on Governmental Accountability and Fiscal Oversight may recommend the passage of a bill subject

to the adoption of an amendment specifying a certain effective date proposed by the committee, and if such an amendment is not adopted the bill shall again be referred to that committee. The committee shall also consider and report upon bills and matters referred to it relating to tax credits, tax credit reform, budget reform, governmental efficiency and management] **shall review, study, and investigate all matters referred to it relating to the application, administration, execution, and effectiveness of all state laws and programs, the organization and operation of state agencies and other entities having responsibility for the administration and execution of state laws and programs, and any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation to improve the efficiency of any state law or program. Any findings of the committee may be reported to the senate and the Committee on Appropriations. The committee shall also consider and report upon bills and matters referred to it relating to improving governmental efficiency and management.**

9. The Committee on Gubernatorial Appointments shall consider and report upon gubernatorial appointments referred to it.

10. The Committee on Health, Mental Health, Seniors and Families shall consider and report upon bills and matters referred to it concerning health, MO HealthNet, alternative health care delivery system proposals, mental health, developmental disabilities, and substance abuse and addiction. It shall also consider and report upon bills and matters referred to it concerning the preservation of the quality of life for senior citizens, nursing home and boarding home operations, alternative care programs for the elderly, and family and children's issues. It shall also consider and report upon bills and matters referred to it concerning income maintenance, social services, child support enforcement, public health, disease control, and hospital operations.

11. The Committee on Jobs, Economic Development and Local Government shall consider and report upon bills and matters referred to it relating to the promotion of economic development, the creation and retention of jobs, tourism and the promotion of tourism as a state industry, community and business development, county government, township organizations and political subdivisions.

12. The Committee on the Judiciary and Civil and Criminal Jurisprudence shall consider and report upon bills and matters relating to the judicial department of the state including the practice of the courts of this state, civil procedure and criminal laws, criminal costs and all related matters. The Committee shall also consider and report upon bills and matters referred to it relating to probation or parole of persons sentenced under the criminal laws of the state.

13. The Committee on Progress and Development shall consider and report upon bills and matters referred to it concerning the changing or maintenance of issues relating to human welfare.

14. The Committee on Rules, Joint Rules, Resolutions and Ethics shall consider and report on rules for the government of the senate and joint rules when requested by the senate, shall consider, examine and report upon bills and matters referred to it relating to ethics and the conduct of public officials and employees, shall recommend to the Senate the rules by which investigations and disciplinary proceedings will be conducted, and shall examine and report upon all resolutions and other matters which may be appropriately referred to it. The committee shall see that bills and amendments are properly perfected and printed. The committee shall examine all Truly Agreed To and Finally Passed bills carefully, and report that the printed copies furnished the senators are correct. Upon the written request of the sponsor or floor handler of a bill, the committee may recommend that any such bill on the calendars for perfection or house bills on third reading be called up or considered out of order in which the bill appears on that calendar. A recommendation to consider bills out of order shall require approval by a majority of the committee with the concurrence of two-thirds of the senate members. No floor debate shall be allowed on the motion to adopt the committee report.

The Committee shall examine bills placed on the Consent Calendar and may, by majority vote, remove any bill from the consent calendar within the time period prescribed by Rule 45, that it determines is too controversial to be treated as a consent bill.

15. The Committee on Small Business, Insurance and Industry shall consider and report upon bills and matters referred to it relating to the ownership and operation of small businesses; and life, accident, indemnity and other forms of insurance. The committee shall also take into consideration and report on bills relating to labor management, fair employment standards, workers' compensation and employment security within the state and shall examine bills referred to it relating to industrial development.

16. The Committee on Transportation shall consider and report upon bills and matters referred to it concerning roads, highways, bridges, airports and aviation, railroads, port authorities, and other means of transportation and matters relating to motor vehicles, motor vehicle registration and drivers' licenses.

17. The Committee on Veterans' Affairs, **Emerging Issues**, Pensions and Urban Affairs shall consider and report upon bills and matters concerning veterans' affairs. The committee shall also consider and report upon bills and matters referred to it concerning **issues of statewide or immediate concern**, retirement, pensions and pension plans; and urban renewal, housing and other matters relating to urban areas.

18. The Committee on Ways and Means **and Fiscal Oversight** shall consider and report upon bills and matters referred to it concerning

the revenue and public debt of the state, and interest thereon, the assessment of real and personal property, the classification of property for taxation purposes and gaming. **The Committee on Ways and Means and Fiscal Oversight shall also consider and report upon all bills, except regular appropriation bills, that require new appropriations or expenditures of appropriated funds in excess of \$100,000, or that reduce such funds by that amount during any of the first three years that public funds will be used to fully implement the provisions of the Act. Any such senate bill, after having been approved by the regular standing committee to which it has been assigned and after the same has been perfected and ordered printed by the senate, shall thereafter be referred to the Committee on Ways and Means and Fiscal Oversight for its consideration prior to its submission to the senate for final passage thereof by the senate. Any such house bill after having been reported by the regular standing committee to which it was assigned shall be referred to the Committee on Ways and Means and Fiscal Oversight for its consideration prior to its being considered by the senate for third reading and final passage. Any senate or house bill, amended so as to increase expenditures or reduce revenue in excess of \$100,000 during any of the first three years that public funds will be used to fully implement its provisions shall upon timely motion be referred or re-referred to the Committee on Ways and Means and Fiscal Oversight. The author or first-named sponsor of a bill referred to the Committee on Ways and Means and Fiscal Oversight shall be entitled to a hearing on his or her bill but such committee hearing shall be limited to the reception of testimony presented by the author or first-named sponsor in person and none other. The Committee on Ways and Means and Fiscal Oversight may recommend the passage of a bill subject to the adoption of an amendment specifying a certain effective date proposed by the committee, and if such an amendment is not adopted, the bill shall again be referred to the Committee on Ways and Means and Fiscal Oversight.”; and**

BE IT FURTHER RESOLVED by the Senate of the Ninety-sixth General Assembly, First Regular Session, that the temporary rules adopted on January 5, 2011, as amended, hereby be adopted as the permanent rules of the Missouri Senate of the Ninety-sixth General Assembly.

Senator Schmitt offered Senate Resolution No. 11, regarding the Eightieth Birthday of Robert Manchester Rowe, Webster Groves, which was adopted.

Senator Crowell offered Senate Resolution No. 12, regarding Creative Edge, Incorporated, Jackson, which was adopted.

COMMUNICATION

President Pro Tem Mayer submitted the following:

December 1, 2010

The Honorable Jeremiah W. (Jay) Nixon
Governor, State of Missouri State Senate
Room 216, State Capitol Building
Jefferson City, MO 65101

Dear Governor Nixon:

Pursuant to Section 21.090, RSMo, I hereby notify you that I am resigning my position as Senator of the 9th Senatorial District effective midnight, December 7, 2010. I have previously forwarded my intent to resign effective December 31, 2010. This letter serves as notice that I intend to move the date of the resignation up to the aforementioned date as described above.

Again, it has been an honor and privilege to serve the citizens of the state of Missouri and especially the citizens of the 9th Senatorial District. I believe by moving the date up, there will hopefully be an opportunity to have representation for the 9th Senatorial District sooner rather than later.

I continue to wish you, Governor Nixon, the best of luck and continued success as Governor.

Respectfully submitted,

/s/ Yvonne S. Wilson

Yvonne S. Wilson
Missouri State Senator
District 09

INTRODUCTIONS OF GUESTS

Senator Lager introduced to the Senate, his wife, Stephanie, and their daughter, Addison, Savannah; his parents, Maureen and Ron Lager, Maryville; his sister, Ashley, Kansas City; and Mike and Sue Burch, Ravenwood.

Senator McKenna introduced to the Senate, family and friends.

Senator Rupp introduced to the Senate, his wife, Carissa, and his step-daughter, Hayley Mattern, Wentzville; his parents, Chester and Eleanor Rupp, St. Charles; and Arthur and Ruthie Schaper, Defiance.

Senator Justus introduced to the Senate, her partner, Shonda Garrison, Kansas City; and her mother, Jennifer Justus, Branson.

Senator Schaaf introduced to the Senate, his wife, Debbie, St. Joseph; their son, Robert, Cambridge, Massachusetts; his mother, Louise Schaaf, St Joseph; Carolyn Pape, Robinson, Kansas; and Brian Riepen, Dallas, Texas.

Senator Keaveny introduced to the Senate, his wife, Karen, St. Louis; Kevin Cantwell, Sean and Michaela Mohan, Norbert Hart, Butch and Sue St. George, Kathy Sheehan and Eugene Wallace.

Senator Lamping introduced to the Senate, his wife, Caryn, their children, Rachel, Charlotte, Jackson and Emma; and former State Senator Betty Sims, St. Louis County.

Senator Lamping introduced to the Senate, the Physician of the Day, Dr. Christopher Young, M.D., St. Louis.

Senator Chappelle-Nadal introduced to the Senate, Jeff Damerall, former State Senator Rita Heard Days, Ellen Bern, Linda Fried, Dana Nichols, Rafael Nun Marin, Rosalyn Madden, Shirley Johnson, Lily Ko, Terry Artis, Tony and Omar Maldonado and Michael Moore, St. Louis.

Senator Richard introduced to the Senate, his wife, Patty, former State Representative Chuck Surface and Nick and Brenda Myers, Joplin; and Mike Storm, Dallas, Texas.

Senator Kraus introduced to the Senate, his wife, Carmen, and their sons, Tylor and Tannor, Lee's Summit; his mother, Cathy, and his sister, Liz Hartenstein, and her daughter, Alexis, Raytown.

Senator Kehoe introduced to the Senate, his wife, Claudia, their children, Carol, Michael, Maggie and Claire; his brother and sister-in-law, John and Patty Kehoe, Jefferson City; Patty, Michael and Steven Mullins, St. Louis; Bruce and Celeste Medima, Detroit, Michigan; and Bob Grundel, St. Louis.

Senator Dixon introduced to the Senate, his wife, Amanda, their children, Grace, Rose and Olivia, Springfield; his sister, Dana Jones, her husband, Steve, and their children, Nathan, Harrison and Parker, Niangua; Jon and Guyla Armstrong and the Underwood family, Springfield.

Senator Nieves introduced to the Senate, his wife, Julie, their children, Alexandra, Moriah and Victor, Washington; his parents, John and Kay; and Eula Monroe, Union.

Senator Parson introduced to the Senate, his wife, Teresa, and their son, Kelly, Bolivar; their daughter, Stephanie House, her husband, Jonathan, and their children, David, Alicia, Michaela, Benjamin and Essabella, Ozark; Kent Parson, Wheatland; James Parson, St. Joseph; and Bob and Darlene Seiner, Bolivar.

Senator Brown introduced to the Senate, his wife, Kathy, their son, Justin Dan, and grandchildren, Brody Neil and Tristin Dan; and their daughter, Danette Sherrill, and her husband Brad, Rolla; Mathew Bain, Dexter; and Jared Brown and Betty Pringer, Jefferson City: and Brody Neil and Tristin Dan were

made honorary pages.

Senator Munzlinger introduced to the Senate, his wife, Michele, Lewis County; and Pearl Franks and Elaine Gorrell.

Senator Wasson introduced to the Senate, his wife, Retha, Nixa; and Hattie Carter.

Senator Dempsey introduced to the Senate, his wife, Molly, and their children, Meaghan, Abby and Jack, St. Charles; and Paul Bothe.

Senator Dempsey introduced to the Senate, Scoutmaster Bob Baronovic and Scouts Andrew Adams, Joe Baronovic, Andrew Clever, Ethan Dultz, Andrew Ficken, Mark Ficken, Patrick Hoerschler, Will Hoover, Eric Johnson, Nick Keeseey, Matthew Lauer, Bryson Schroeder, Will Travous and Jacob Yanez, members of Boy Scout Troop 351, St. Charles Borromeo Parish.

Senator Ridgeway introduced to the Senate, her husband, Dr. Richard Ridgeway, Smithville; and former State Representative Susan Phillips, Kansas City.

Senator Cunningham introduced to the Senate, her husband, Gary Cunningham, Chesterfield.

Senator Mayer introduced to the Senate, his wife, Nancy, their children Dustin, Daniel, Jason and his wife, Lauren; his mother Marjean Mayer, and his brother, Kenny Mayer, Dexter; Julie Ann Mayer, Dallas, Texas; Susan Bartlett, Cape Girardeau; Robert Mayer, Marilyn and C.E. Tuley, Dexter; Robert, Karen and Rebecca Tuley, Shelbyville; and Nathan Tuley, Jefferson City.

Senator Stouffer introduced to the Senate, his wife, Sue Ellen, Napton.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

SECOND DAY—THURSDAY, JANUARY 6, 2011

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Ridgeway
 SB 2-Ridgeway
 SB 3-Stouffer
 SB 4-Stouffer
 SB 5-Stouffer
 SB 6-Goodman
 SB 7-Goodman
 SB 8-Goodman
 SB 9-Rupp
 SB 10-Rupp
 SB 11-McKenna
 SB 12-Pearce

SB 13-Pearce
 SB 14-Pearce
 SB 15-Lembke
 SB 16-Lembke
 SB 17-Lembke
 SB 18-Schmitt
 SB 19-Schmitt
 SB 20-Wright-Jones
 SB 21-Wright-Jones
 SB 22-Wright-Jones
 SB 23-Keaveny
 SB 24-Keaveny

SB 25-Schaaf	SB 55-Brown
SB 26-Wasson	SB 56-Rupp
SB 27-Brown	SB 57-Callahan
SB 28-Brown	SB 58-Stouffer
SB 29-Brown	SB 59-Keaveny
SB 30-Chappelle-Nadal	SB 60-Keaveny
SB 31-Chappelle-Nadal	SB 61-Keaveny
SB 32-Chappelle-Nadal	SB 62-Schaaf
SB 33-Stouffer	SB 63-Mayer
SB 34-Stouffer	SB 64-Parson
SB 35-Lembke	SB 65-Mayer
SB 36-Lembke	SB 67-Cunningham
SB 37-Lembke	SB 68-Mayer
SB 38-Wright-Jones	SB 69-Schaefer
SB 39-Wright-Jones	SB 70-Schaefer
SB 40-Wright-Jones	SB 71-Parson
SB 41-Chappelle-Nadal	SB 72-Kraus
SB 42-Chappelle-Nadal	SB 73-Kraus
SB 43-Chappelle-Nadal	SB 74-Kraus
SB 44-Wright-Jones	SB 75-Kraus
SB 45-Wright-Jones	SB 76-Schaaf
SB 46-Wright-Jones	SB 77-Stouffer
SB 47-Wright-Jones	SB 78-Brown
SB 48-Wright-Jones	SJR 1-Ridgeway
SB 49-Wright-Jones	SJR 2-Stouffer
SB 50-Kehoe, et al	SJR 3-Goodman
SB 51-Cunningham	SJR 5-Chappelle-Nadal
SB 52-Cunningham	SJR 6-Chappelle-Nadal
SB 53-Cunningham	SJR 7-Lembke
SB 54-Cunningham	SJR 8-Kraus

INFORMAL CALENDAR

RESOLUTIONS

SR 10-Mayer	HCR 2-Jones (89) (Dempsey)
HCR 1-Jones (89) (Dempsey)	

To be Referred

SCR 1-Ridgeway	SCR 2-Schaaf
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Journal of the Senate

FIRST REGULAR SESSION

SECOND DAY—THURSDAY, JANUARY 6, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

Gracious God, King of the Universe, today we remember the Christian celebration of the Epiphany and the variety of ways You have made Yourself known throughout this planet. You have manifested Your presence so all may come to know You and in so doing You taught us Your will for us to follow and the requirements we are to fulfill. Watch over us as we travel to be with loved ones and may we be found in Your house of prayer giving You thanks and praise. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

Absent—Senators—None

Absent with leave—Senator Purgason—1

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Munzlinger offered Senate Resolution No. 13, regarding Hannibal-LaGrange University, Hannibal, which was adopted.

CONCURRENT RESOLUTIONS

Senator Lembke offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 3

Relating to disapproving the recommendations of the Missouri Citizens' Commission on Compensation for Elected Officials.

WHEREAS, Article XIII, Section 3 of the Missouri Constitution charges the Missouri Citizens' Commission on Compensation for Elected Officials with setting the amounts of compensation paid to statewide elected officials, legislators, and judges; and

WHEREAS, the Constitution provides the Commission with a four-month window prior to its constitutional deadline for making salary recommendations to hold public hearings around the state to gather testimony related to salaries for affected state officials and to carefully consider whether pay increases are warranted; and

WHEREAS, the Missouri Citizens' Commission on Compensation of Elected Officials has recommended that the compensation for statewide elected officials and members of the General Assembly in fiscal years 2012 and 2013 remains identical to the compensation which exists currently in fiscal year 2011; and

WHEREAS, the Commission recommended that the compensation for judges in fiscal year 2012 remains identical to the compensation which exists currently for fiscal year 2011, but did recommend a pay increase for each state judge to be indexed to the commensurate judicial position in the federal system for fiscal year 2013; and

WHEREAS, for fiscal year 2013, the Commission recommended an annual salary increase of \$14,681 for the Chief Justice of the Supreme Court, an annual salary increase of \$10,557 for Supreme Court Judges, an annual increase of \$6,478 for judges of the Court of Appeals, an annual increase of \$6,536 for circuit judges, and an annual increase of \$7,492.40 for associate circuit judges; and

WHEREAS, the Commission's recommendations shall take effect unless disapproved by the General Assembly through a concurrent resolution process passed by two-thirds majorities in each legislative chamber before February 1, 2011:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-sixth General Assembly, First Regular Session, the House of Representatives concurring therein, disapprove the recommendations of the Missouri Citizens' Commission on the Compensation for Elected Officials contained in its report dated November 24, 2010; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for Governor Jay Nixon.

Read 1st time.

Senator Crowell offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 4

Relating to the reassignment of office space within the State Capitol.

WHEREAS, the lack of adequate office space for legislators and staff along with the lack of adequate facilities to conduct hearings, meetings, and other legislative functions at our State Capitol has been an issue of major and growing concern for many years; and

WHEREAS, legislators and their staff deserve to work in a safe, comfortable, and adequately-spaced office environment in order to provide the most efficient and effective service possible for the people of Missouri; and legislators, staff, and private citizens are entitled to conduct state business in a safe and comfortable environment when meeting in the various hearing rooms and committee rooms within our State Capitol; and

WHEREAS, expedient measures need to be implemented to provide effective short-term solutions for the problem of overcrowding at the State Capitol; and

WHEREAS, Section 8.460, Revised Statutes of Missouri, subsection 1, states "The board of public buildings may build an office building in the City of Jefferson to house state offices which are presently located in rented quarters within the county of Cole, and they shall remove

as many offices from the State Capitol building as the general assembly deems necessary to provide adequate space for its members”:

NOW THEREFORE BE IT RESOLVED by the members of the Missouri Senate, Ninety-sixth General Assembly, First Regular Session, the House of Representatives concurring therein, that pursuant to the provisions of Section 8.460, RSMo, the Board of Public Buildings is advised to reassign offices and other space within the State Capitol to provide adequate space for the members and staff of the General Assembly; and

BE IT FURTHER RESOLVED that rooms 122, 123, 124, 125, 126, 127, 128, and 129, and rooms within these rooms where only a corridor number is listed, presently occupied or under the control of the Office of Administration, shall be reassigned to the Senate Administration Committee and the House Administration and Accounts Committee, and the General Assembly further asserts the right to reserve any and all of these rooms and facilities for the exclusive use of legislators and legislative staff; and

BE IT FURTHER RESOLVED that the Senate Administrator and the Chief Clerk of the House shall mark the rooms so assigned upon blueprints and shall submit the blueprints so marked to the Board of Public Buildings and the Office of Design and Construction, together with a properly inscribed copy of this resolution; and

BE IT FURTHER RESOLVED that where the room numbers and descriptions are not clear, that the aforementioned blueprints shall control; and

BE IT FURTHER RESOLVED that the aforementioned space will be vacated by the Office of Administration and totally delivered to the General Assembly within twenty-four hours of the passage of this resolution; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Commissioner of Administration, each member of the Board of Public Buildings, the Senate Administration Committee and the House Administration and Accounts Committee.

Read 1st time.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 79—By Justus.

An Act to repeal sections 196.1115, 348.251, 348.253, 348.256, 348.261, 348.262, 348.263, 348.264, and 348.271, RSMo, and to enact in lieu thereof eleven new sections relating to science and innovation.

SB 80—By Justus.

An Act to repeal section 208.798, RSMo, and to enact in lieu thereof one new section relating to the extension of the sunset provision of the Missouri RX prescription drug program.

SB 81—By Pearce.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to fine arts education.

SB 82—By Pearce.

An Act to repeal section 37.005, RSMo, and to enact in lieu thereof one new section relating to the transfer of property by state universities.

SB 83—By Pearce.

An Act to repeal sections 408.140, 408.233, and 408.300, RSMo, and to enact in lieu thereof four new sections relating to the sale of deficiency waiver addendums and other similar products in certain loan transactions.

SB 84—By Wright-Jones.

An Act to repeal sections 115.205 and 115.631, RSMo, and to enact in lieu thereof three new sections

relating to elections, with penalty provisions.

SB 85—By Lembke.

An Act to amend chapter 544, RSMo, by adding thereto one new section relating to the service of warrants in this state by agents of the federal government.

SB 86—By Lembke.

An Act to repeal sections 197.300, 197.305, 197.310, 197.311, 197.312, 197.314, 197.315, 197.316, 197.317, 197.318, 197.320, 197.325, 197.326, 197.327, 197.330, 197.335, 197.340, 197.345, 197.355, 197.357, 197.366, 197.367, 197.705, 198.530, 198.531, and 208.169, RSMo, and to enact in lieu thereof four new sections relating to certificate of need.

SB 87—By Parson.

An Act to repeal section 571.030, RSMo, and to enact in lieu thereof one new section relating to unlawful use of weapons, with existing penalties.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 26, 2010, while the Senate was not in session.

Vicki Benson, Democrat, 19592 State Highway 157, Kirksville, Adair County, Missouri 63501, as a member of the Missouri Citizens' Commission on Compensation for Elected Officials, for a term ending February 1, 2012; vice, Constitution of Missouri Article XIII, Section 3.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

RESOLUTIONS

Senator Mayer moved that **SR 10** be taken up for perfection, which motion prevailed.

On motion of Senator Mayer, **SR 10** was adopted by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Purgason—1

Vacancies—1

INTRODUCTIONS OF GUESTS

Senator Cunningham introduced to the Senate, Jennifer Speckman, St. Louis.

Senator Goodman introduced to the Senate, Tylor Willis, Mt. Vernon.

On motion of Senator Dempsey, the Senate adjourned until 4:00 p.m., Monday, January 10, 2011.

SENATE CALENDAR

THIRD DAY—MONDAY, JANUARY 10, 2011

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Ridgeway	SB 25-Schaaf
SB 2-Ridgeway	SB 26-Wasson
SB 3-Stouffer	SB 27-Brown
SB 4-Stouffer	SB 28-Brown
SB 5-Stouffer	SB 29-Brown
SB 6-Goodman	SB 30-Chappelle-Nadal
SB 7-Goodman	SB 31-Chappelle-Nadal
SB 8-Goodman	SB 32-Chappelle-Nadal
SB 9-Rupp	SB 33-Stouffer
SB 10-Rupp	SB 34-Stouffer
SB 11-McKenna	SB 35-Lembke
SB 12-Pearce	SB 36-Lembke
SB 13-Pearce	SB 37-Lembke
SB 14-Pearce	SB 38-Wright-Jones
SB 15-Lembke	SB 39-Wright-Jones
SB 16-Lembke	SB 40-Wright-Jones
SB 17-Lembke	SB 41-Chappelle-Nadal
SB 18-Schmitt	SB 42-Chappelle-Nadal
SB 19-Schmitt	SB 43-Chappelle-Nadal
SB 20-Wright-Jones	SB 44-Wright-Jones
SB 21-Wright-Jones	SB 45-Wright-Jones
SB 22-Wright-Jones	SB 46-Wright-Jones
SB 23-Keaveny	SB 47-Wright-Jones
SB 24-Keaveny	SB 48-Wright-Jones

SB 49-Wright-Jones
 SB 50-Kehoe, et al
 SB 51-Cunningham
 SB 52-Cunningham
 SB 53-Cunningham
 SB 54-Cunningham
 SB 55-Brown
 SB 56-Rupp
 SB 57-Callahan
 SB 58-Stouffer
 SB 59-Keaveny
 SB 60-Keaveny
 SB 61-Keaveny
 SB 62-Schaaf
 SB 63-Mayer
 SB 64-Parson
 SB 65-Mayer, et al
 SB 67-Cunningham
 SB 68-Mayer
 SB 69-Schaefer
 SB 70-Schaefer
 SB 71-Parson
 SB 72-Kraus

SB 73-Kraus
 SB 74-Kraus
 SB 75-Kraus
 SB 76-Schaaf
 SB 77-Stouffer
 SB 78-Brown
 SB 79-Justus
 SB 80-Justus
 SB 81-Pearce
 SB 82-Pearce
 SB 83-Pearce
 SB 84-Wright-Jones
 SB 85-Lembke
 SB 86-Lembke
 SB 87-Parson
 SJR 1-Ridgeway
 SJR 2-Stouffer
 SJR 3-Goodman
 SJR 5-Chappelle-Nadal
 SJR 6-Chappelle-Nadal
 SJR 7-Lembke
 SJR 8-Kraus

INFORMAL CALENDAR

RESOLUTIONS

HCR 1-Jones (89) (Dempsey)

HCR 2-Jones (89) (Dempsey)

To be Referred

SCR 1-Ridgeway
 SCR 2-Schaaf

SCR 3-Lembke
 SCR 4-Crowell

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Journal of the Senate

FIRST REGULAR SESSION

THIRD DAY—MONDAY, JANUARY 10, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“When the cares of my heart are many, your consolations cheer my soul.” (Psalm 94:19)

Almighty God, our concerns are many today. We are thankful for safe travel for us and staff. We deal with the changes and chances of life as Representative Giffords fights for hers. We don't understand such evil and violence but turn to You to comfort and help us find ways to deal with such tragedy. We pray for her family and families of victims of the shooting and ask for Your comfort and healing. We pray for those who enforce the law that they may do so with courage and wisdom in their serving. We pray for legislators and us who pass the laws that we may do so seeking what is most helpful and ensure the safety of our people. May Your steadfast love “...be our rock and refuge,” and guide us through these difficult days. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 6, 2011 was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

Absent—Senators—None

Absent with leave—Senator Ridgeway—1

Vacancies—1

The Lieutenant Governor was present.

The Senate observed a moment of silence in remembrance of Sergeant First Class Robert W. Pharris, Seymour, and for the shooting victims in Tucson, Arizona.

RESOLUTIONS

Senator Green offered Senate Resolution No. 14, regarding “Gina” Walsh, Saint Louis, which was adopted.

Senator Schmitt offered Senate Resolution No. 15, regarding Mike Duffy’s Pub and Grill, Kirkwood, which was adopted.

Senators Lembke and Schmitt offered Senate Resolution No. 16, regarding Eugene A. Haessig, St. Louis, which was adopted.

Senators Lembke and Schmitt offered Senate Resolution No. 17, regarding Suzanne Welker, St. Louis, which was adopted.

Senators Lembke and Schmitt offered Senate Resolution No. 18, regarding Representative Patricia Yaeger, which was adopted.

Senator Rupp offered Senate Resolution No. 19, regarding Denny Gladieux, which was adopted.

Senator Rupp offered Senate Resolution No. 20, regarding Wharf Pharmacy, which was adopted.

Senator Rupp offered Senate Resolution No. 21, regarding Walmart, Wentzville, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 22, regarding Mrs. Theresa Ferguson, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolutions were read the 1st time and ordered printed:

SB 88—By Schaaf.

An Act to repeal section 37.005, RSMo, and to enact in lieu thereof one new section relating to the transfer of property by state universities.

SB 89—By Lembke.

An Act to repeal sections 476.415, 547.370, 600.011, 600.015, 600.017, 600.019, 600.021, 600.040, 600.042, 600.043, 600.044, 600.048, 600.086, 600.089, 600.090, 600.091, 600.093, 600.096, and 600.101, RSMo, and to enact in lieu thereof seventeen new sections relating to the public defender system, with existing penalty provisions.

SJR 9—By Engler.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article VIII of the Constitution of Missouri, and adopting one new section relating to voter photo identification.

SJR 10—By Lembke.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 2 and 9 of article III of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to members of the House of Representatives.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 7, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Sara Parker Pauley as the Director of the Department of Natural Resources, submitted to you on January 5, 2011. Line 2 should be amended to read:

65039, as Director of the Department of Natural Resources, for a term ending at the

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

COMMITTEE APPOINTMENTS

President Pro Tem Mayer submitted the following committee appointments, which were read:

Committee on Rules, Joint Rules, Resolutions and Ethics:

Senator Tom Dempsey, Chairman
Senator Bob Dixon, Vice Chairman
Senator Rob Mayer
Senator Jack Goodman
Senator Brad Lager
Senator Jolie Justus
Senator Tim Green

Committee on Administration:

Senator Robert Mayer, Chairman
Senator Tom Dempsey, Vice Chairman
Senator Jack Goodman
Senator Victor Callahan
Senator Robin Wright-Jones

Committee on Gubernatorial Appointments:

Senator Robert Mayer, Chairman
Senator Tom Dempsey, Vice Chairman
Senator Jason Crowell
Senator Bob Dixon
Senator Brad Lager
Senator Rob Schaaf
Senator Eric Schmitt
Senator Victor Callahan
Senator Ryan McKenna

REFERRALS

President Pro Tem Mayer referred the Gubernatorial Appointments appearing on pages 17 through 51 of the Senator Journal for Wednesday, January 5, 2011, the appointment appearing on page 63 of the Senate Journal for Thursday, January 6, 2011 and the addendum received today to the Committee on Gubernatorial Appointments.

**SECOND READING OF
CONCURRENT RESOLUTIONS**

The following Concurrent Resolutions were read the 2nd time and referred to the Committees indicated:

SCR 1—Rules, Joint Rules, Resolutions and Ethics.

SCR 3—Rules, Joint Rules, Resolutions and Ethics.

SCR 4—Rules, Joint Rules, Resolutions and Ethics.

REFERRALS

President Pro Tem Mayer referred **SCR 2** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

FOURTH DAY—TUESDAY, JANUARY 11, 2011

FORMAL CALENDAR**SECOND READING OF SENATE BILLS**

SB 1-Ridgeway
SB 2-Ridgeway
SB 3-Stouffer
SB 4-Stouffer
SB 5-Stouffer
SB 6-Goodman
SB 7-Goodman
SB 8-Goodman
SB 9-Rupp
SB 10-Rupp
SB 11-McKenna
SB 12-Pearce
SB 13-Pearce

SB 14-Pearce
SB 15-Lembke
SB 16-Lembke
SB 17-Lembke
SB 18-Schmitt
SB 19-Schmitt
SB 20-Wright-Jones
SB 21-Wright-Jones
SB 22-Wright-Jones
SB 23-Keaveny
SB 24-Keaveny
SB 25-Schaaf
SB 26-Wasson

SB 27-Brown	SB 63-Mayer
SB 28-Brown	SB 64-Parson
SB 29-Brown	SB 65-Mayer, et al
SB 30-Chappelle-Nadal	SB 67-Cunningham
SB 31-Chappelle-Nadal	SB 68-Mayer
SB 32-Chappelle-Nadal	SB 69-Schaefer
SB 33-Stouffer	SB 70-Schaefer
SB 34-Stouffer	SB 71-Parson
SB 35-Lembke	SB 72-Kraus
SB 36-Lembke	SB 73-Kraus
SB 37-Lembke	SB 74-Kraus
SB 38-Wright-Jones	SB 75-Kraus
SB 39-Wright-Jones	SB 76-Schaaf
SB 40-Wright-Jones	SB 77-Stouffer
SB 41-Chappelle-Nadal	SB 78-Brown
SB 42-Chappelle-Nadal	SB 79-Justus
SB 43-Chappelle-Nadal	SB 80-Justus
SB 44-Wright-Jones	SB 81-Pearce
SB 45-Wright-Jones	SB 82-Pearce
SB 46-Wright-Jones	SB 83-Pearce
SB 47-Wright-Jones	SB 84-Wright-Jones
SB 48-Wright-Jones	SB 85-Lembke
SB 49-Wright-Jones	SB 86-Lembke
SB 50-Kehoe, et al	SB 87-Parson
SB 51-Cunningham	SB 88-Schaaf
SB 52-Cunningham	SB 89-Lembke
SB 53-Cunningham	SJR 1-Ridgeway
SB 54-Cunningham	SJR 2-Stouffer
SB 55-Brown	SJR 3-Goodman
SB 56-Rupp	SJR 5-Chappelle-Nadal
SB 57-Callahan	SJR 6-Chappelle-Nadal
SB 58-Stouffer	SJR 7-Lembke
SB 59-Keaveny	SJR 8-Kraus
SB 60-Keaveny	SJR 9-Engler
SB 61-Keaveny	SJR 10-Lembke
SB 62-Schaaf	

INFORMAL CALENDAR

RESOLUTIONS

HCR 1-Jones (89) (Dempsey)

HCR 2-Jones (89) (Dempsey)

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Journal of the Senate

FIRST REGULAR SESSION

FOURTH DAY—TUESDAY, JANUARY 11, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Resolve to keep happy and your joy and you shall form an invincible host against difficulties.” (Helen Keller)

We are still adjusting to the newest of all that we are encountering here, O Lord, so we seek Your wisdom and teachings to help us make the very best of this time You have given us this day. We are thankful for those who clear our roads and work to ensure the safety of the people of Missouri. We are thankful for shared abilities that help us address the challenges that continue and we must find ways to address. So bless us with Your presence and walk with us this new day. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

Absent—Senators—None

Absent with leave—Senator Ridgeway—1

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Parson offered Senate Resolution No. 23, regarding Bolivar R-I Board of Education, which was

adopted.

Senator Rupp offered Senate Resolution No. 24, regarding the Twenty-fifth Wedding Anniversary of Mr. and Mrs. Dan Nolfo, O'Fallon, which was adopted.

Senator Rupp offered Senate Resolution No. 25, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ronald Crossen, Lake St. Louis, which was adopted.

Senator Rupp offered Senate Resolution No. 26, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Jack Ladlie, Truxton, which was adopted.

Senator Cunningham offered the following resolution:

SENATE RESOLUTION NO. 27

WHEREAS, attorneys general from 13 states sued the federal government on March 23, 2010, claiming the landmark health care reform bill is unconstitutional. The amended complaint currently features 20 state plaintiffs, with the National Federation of Independent Business (NFIB) joining as a co-plaintiff on behalf of its members nationwide; and

WHEREAS, the lawsuit filed and joined by a total of 20 attorneys general includes and asserts:

- (1) A Commerce Clause claim;
- (2) A Tenth Amendment sovereignty violation for forcing states, among other things, to expand Medicaid coverage;
- (3) A direct tax violation for the one-size-fits all penalty if a person fails to purchase health insurance; and
- (4) A violation of Article 4, Section 4 of the United States Constitution because "the Act deprives [the States] of ... their right to a republican form of government"; and

WHEREAS, the lawsuit asks the bill be declared unconstitutional because "the Constitution nowhere authorizes the United States to mandate, either directly or under threat of penalty, that all citizens and legal residents have qualifying health care coverage"; and

WHEREAS, the lawsuit also claims the health care legislation violates the Tenth Amendment of the United States Constitution, which says the federal government has no authority beyond the powers granted to it under the Constitution, by forcing the states to carry out its provisions but not reimbursing them for the costs; and

WHEREAS, the lawsuit also asserts that the states cannot afford the new law because the health care legislation will add millions of people to state Medicaid rolls, costing some states more than one billion dollars over the next ten years in increased Medicaid expenditures; and

WHEREAS, according to an attorney representing the 20 attorneys general joining in the lawsuit, those state attorneys general "are convinced that the federal health care legislation is fundamentally flawed as a matter of constitutional law, that it exceeds the scope of proper constitutional authority of the federal government and tramples upon the rights and prerogatives of states and their citizens"; and

WHEREAS, on July 7, 2010, Missouri Lieutenant Governor Peter Kinder sued members of the Obama Administration responsible for enforcing the provisions of the federal health care reform law. The lawsuit challenges those provisions of the federal health care reform law which actually reduce Missourians access to affordable health care and which violate the Missouri Constitution and the United States Constitution; and

WHEREAS, under the federal legislation, beginning in 2014, most Americans will be required to carry health insurance, either through an employer or government program or by purchasing it themselves. Those Americans who refuse to carry such health insurance will face penalties from the Internal Revenue Service; and

WHEREAS, an overwhelming majority of 71% of Missourians supported the passage of Proposition C in a 2010 General Election in Missouri that protects Missourians from being penalized for refusing to purchase private health insurance or infringe upon the right to offer or accept direct payment for lawful health care; and

WHEREAS, according to the American Legislative Exchange Council, at least 42 states are attempting to limit, alter, or oppose some of the federal legislation's provisions through state constitutional amendments or laws, with many of the proposals seeking to keep health insurance coverage optional for individuals and exempt employers from penalties if they don't offer coverage for workers; and

WHEREAS, all other attorneys general in the nation have joined the suit voluntarily without legislative action:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-sixth General Assembly, First Regular Session,

hereby call on Missouri Attorney General Chris Koster to file an independent lawsuit, join Lieutenant Governor Peter Kinder's lawsuit, or join the 20 other state attorneys general from across the nation in challenging the constitutionality and validity of the Patient Protection and Affordable Care Act, the federal health care legislation, and to aggressively defend the validity of Proposition C as voted on by the people of Missouri in a 2010 Missouri General Election; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for Missouri Attorney General Chris Koster.

Senator Pearce offered Senate Resolution No. 28, regarding Gilbert Lee Powers, Warrensburg, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 90—By Dempsey.

An Act to repeal section 103.089, RSMo, and to enact in lieu thereof one new section relating to health care benefits provided to Medicare eligible participants participating in the state employee health insurance program.

SB 91—By Engler.

An Act to repeal sections 578.501 and 578.502, RSMo, and to enact in lieu thereof two new sections relating to funeral protests, with penalty provisions.

SB 92—By Schaaf.

An Act to repeal section 374.184, RSMo, and to enact in lieu thereof one new section relating to health insurance.

SB 93—By Kraus.

An Act to amend chapters 28 and 67, RSMo, by adding thereto two new sections relating to business origination requirements.

CONCURRENT RESOLUTIONS

Senator Dempsey moved that **HCR 1** be taken up for adoption, which motion prevailed.

On motion of Senator Demsey, **HCR 1** was adopted by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	Lembke
Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard
Rupp	Schaaf	Schmitt	Stouffer	Wasson	Wright-Jones—30		

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators

Ridgeway Schaefer—2

Vacancies—1

Senator Stouffer assumed the Chair.

Senator Dempsey moved that **HCR 2** be taken up for adoption, which motion prevailed.

On motion of Senator Dempsey, **HCR 2** was adopted by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	Lembke
Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard
Rupp	Schaaf	Schmitt	Stouffer	Wasson	Wright-Jones—30		

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators

Ridgeway Schaefer—2

Vacancies—1

INTRODUCTIONS OF GUESTS

Senator Wright-Jones introduced to the Senate, Reverend Paul Jakes, Jr., Chicago, Illinois.

Senator Lamping introduced to the Senate, the Physician of the Day, Dr. Sam Page, M.D., St. Louis.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTH DAY—WEDNESDAY, JANUARY 12, 2011

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Ridgeway
 SB 2-Ridgeway
 SB 3-Stouffer
 SB 4-Stouffer
 SB 5-Stouffer
 SB 6-Goodman

SB 7-Goodman
 SB 8-Goodman
 SB 9-Rupp
 SB 10-Rupp
 SB 11-McKenna
 SB 12-Pearce

SB 13-Pearce	SB 58-Stouffer
SB 14-Pearce	SB 59-Keaveny
SB 15-Lembke	SB 60-Keaveny
SB 16-Lembke	SB 61-Keaveny
SB 17-Lembke	SB 62-Schaaf
SB 18-Schmitt	SB 63-Mayer
SB 19-Schmitt	SB 64-Parson
SB 20-Wright-Jones	SB 65-Mayer, et al
SB 21-Wright-Jones	SB 67-Cunningham
SB 22-Wright-Jones	SB 68-Mayer
SB 23-Keaveny	SB 69-Schaefer
SB 24-Keaveny	SB 70-Schaefer
SB 25-Schaaf	SB 71-Parson
SB 26-Wasson	SB 72-Kraus
SB 27-Brown	SB 73-Kraus
SB 28-Brown	SB 74-Kraus
SB 29-Brown	SB 75-Kraus
SB 30-Chappelle-Nadal	SB 76-Schaaf
SB 31-Chappelle-Nadal	SB 77-Stouffer
SB 32-Chappelle-Nadal	SB 78-Brown
SB 33-Stouffer	SB 79-Justus
SB 34-Stouffer	SB 80-Justus
SB 35-Lembke	SB 81-Pearce
SB 36-Lembke	SB 82-Pearce
SB 37-Lembke	SB 83-Pearce
SB 38-Wright-Jones	SB 84-Wright-Jones
SB 39-Wright-Jones	SB 85-Lembke
SB 40-Wright-Jones	SB 86-Lembke
SB 41-Chappelle-Nadal	SB 87-Parson
SB 42-Chappelle-Nadal	SB 88-Schaaf
SB 43-Chappelle-Nadal	SB 89-Lembke
SB 44-Wright-Jones	SB 90-Dempsey
SB 45-Wright-Jones	SB 91-Engler
SB 46-Wright-Jones	SB 92-Schaaf
SB 47-Wright-Jones	SB 93-Kraus
SB 48-Wright-Jones	SJR 1-Ridgeway
SB 49-Wright-Jones	SJR 2-Stouffer
SB 50-Kehoe, et al	SJR 3-Goodman
SB 51-Cunningham	SJR 5-Chappelle-Nadal
SB 52-Cunningham	SJR 6-Chappelle-Nadal
SB 53-Cunningham	SJR 7-Lembke
SB 54-Cunningham	SJR 8-Kraus
SB 55-Brown	SJR 9-Engler
SB 56-Rupp	SJR 10-Lembke
SB 57-Callahan	

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

SR 27-Cunningham

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Journal of the Senate

FIRST REGULAR SESSION

FIFTH DAY—WEDNESDAY, JANUARY 12, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Keep your heart with all diligence; for out of it are the issues of life.” (Proverbs 4:27)

Gracious God, we are thankful for You who keep our hearts rooted firmly in Your promises. Help us to seek You daily so we are anchored in living fully and effectively as You desire us to walk the path of righteousness, and be Your people in serving others. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 29, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Richard Courtois, Perryville, which was adopted.

Senator Green offered Senate Resolution No. 30, regarding the One Hundredth Birthday of Johnnie Rivere, St. Louis, which was adopted.

Senator Lager offered Senate Resolution No. 31, regarding the One Hundredth Birthday of Fern Swanson, Maryville, which was adopted.

Senator Stouffer offered Senate Resolution No. 32, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Norman Greer, Higginsville, which was adopted.

Senator Stouffer offered Senate Resolution No. 33, regarding the Seventy-fifth Wedding Anniversary of Mr. and Mrs. James Harold Frerking, Higginsville, which was adopted.

Senator Stouffer offered Senate Resolution No. 34, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. John R. Reynolds, which was adopted.

Senator Stouffer offered Senate Resolution No. 35, regarding Becky Lee Plattner, Grandpass, which was adopted.

Senator Rupp offered Senate Resolution No. 36, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bob Haley, Lake St. Louis, which was adopted.

Senator Engler offered Senate Resolution No. 37, regarding Centerville R-I School District, which was adopted.

Senator Lamping offered Senate Resolution No. 38, regarding Marshall Stanley Manne, DDS, Creve Coeur, which was adopted.

Senator Munzlinger offered Senate Resolution No. 39, regarding Robert and Helen Fenlon, Mexico, which was adopted.

Senator Green offered Senate Resolution No. 40, regarding the One Hundredth Birthday of Ed Jurkiewicz, St. Louis, which was adopted.

REFERRALS

President Pro Tem Mayer referred **SR 27** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

INTRODUCTION OF BILLS

The following Bills and Joint Resolutions were read the 1st time and ordered printed:

SB 94—By Munzlinger.

An Act to repeal sections 30.750, 30.753, 30.756, 30.758, 30.760, 30.765, and 260.035, RSMo, and to enact in lieu thereof eight new sections relating to financing for energy efficiency improvements, with existing penalty provisions.

SB 95—By Munzlinger.

An Act to repeal section 273.345, RSMo, and to enact in lieu thereof one new section relating to the puppy mill cruelty prevention act, with an existing penalty provision.

SB 96—By Engler.

An Act to authorize the conveyance of state properties in St. Francois County.

SB 97—By Engler.

An Act to authorize the conveyance of state property owned by the state to the City of Farmington.

SB 98—By Schaaf.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health insurance.

SB 99—By Chappelle-Nadal.

An Act to repeal sections 168.124, 168.211, and 168.221, RSMo, and to enact in lieu thereof eight new sections relating to elementary and secondary education.

SB 100—By Stouffer.

An Act to repeal section 135.1150, RSMo, and to enact in lieu thereof two new sections relating to tax credits for certain contributions.

SB 101—By Parson.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to home exterior contractors, with penalty provisions.

SB 102—By Green.

An Act to repeal section 294.027, RSMo, and to enact in lieu thereof one new section relating to work certificates that permit minors to work.

SB 103—By Green.

An Act to amend chapter 285, RSMo, by adding thereto one new section relating to employee password protection, with penalty provisions.

SB 104—By Green.

An Act to amend chapter 292, RSMo, by adding thereto fourteen new sections relating to crane safety.

SB 105—By Green.

An Act to repeal sections 115.275 and 115.289, RSMo, and to enact in lieu thereof three new sections relating to advance voting.

SB 106—By Green.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to specialized license plates.

SB 107—By Green.

An Act to amend chapter 389, RSMo, by adding thereto twelve new sections relating to regulation of contract carriers that transport railroad employees, with penalty provisions and an emergency clause.

SB 108—By Schmitt, Nieves, Dempsey, Parson, Ridgeway, Chappelle-Nadal, Pearce, Callahan, Lembke, Mayer, Cunningham, Wright-Jones, Wasson, Richard, Purgason, Kraus, Crowell, Brown, McKenna, Engler, Rupp, Dixon, Kehoe, Munzlinger, Lager, Goodman, Justus, Lamping and Schaaf.

An Act to repeal section 67.281 as enacted by senate substitute no. 2 for senate committee substitute for house bill no. 103, ninety-fifth general assembly, first regular session, and section 67.281 as enacted by conference committee substitute for senate bill no. 513, ninety-fifth general assembly, first regular session, and to enact in lieu thereof one new section relating to the installation of fire sprinklers in certain dwellings.

SJR 11—By Munzlinger.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri relating to the right to hunt and fish.

SJR 12—By Green.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to term limits.

COMMITTEE APPOINTMENTS

President Pro Tem Mayer appointed the following escort committee pursuant to **HCR 1**: Senators Mayer, Dempsey, Rupp, Purgason, Stouffer, Callahan, Chappelle-Nadal, Justus, Green and Wright-Jones.

President Pro Tem Mayer appointed the following escort committee pursuant to **HCR 2**: Senators Mayer, Schmitt, Ridgeway, Crowell, Goodman, Schaefer, McKenna, Wright-Jones, Justus and Keaveny.

President Pro Tem Mayer submitted the following standing committee appointments:

AGRICULTURE, FOOD PRODUCTION AND OUTDOOR RESOURCES

Munzlinger, Chair
 Parson, Vice-Chair
 Brown
 Purgason
 Stouffer
 Callahan
 McKenna

APPROPRIATIONS

Schaefer, Chair
 Rupp, Vice-Chair
 Brown
 Kraus
 Lembke

Pearce
Schaaf
Green
Justus

COMMERCE, CONSUMER PROTECTION, ENERGY AND THE ENVIRONMENT

Lager, Chair
Lamping, Vice-Chair
Kehoe
Lembke
Parson
Schaefer
Stouffer
Green
Justus

EDUCATION

Pearce, Chair
Nieves, Vice-Chair
Brown
Cunningham
Kehoe
Rupp
Schaefer
Chappelle-Nadal
Keaveny

FINANCIAL AND GOVERNMENTAL ORGANIZATIONS AND ELECTIONS

Engler, Chair
Wasson, Vice-Chair
Crowell
Cunningham
Pearce
Ridgeway
Stouffer
Justus
Wright-Jones

GENERAL LAWS

Cunningham, Chair
Nieves, Vice-Chair
Purgason
Richard
Ridgeway
Rupp
Schaaf

McKenna
Wright-Jones

GOVERNMENTAL ACCOUNTABILITY

Lembke, Chair
Crowell, Vice-Chair
Kraus
Lager
Chappelle-Nadal

HEALTH, MENTAL HEALTH, SENIORS AND FAMILIES

Ridgeway, Chair
Schaaf, Vice-Chair
Cunningham
Lamping
Schmitt
Chappelle-Nadal
Justus

JOBS, ECONOMIC DEVELOPMENT AND LOCAL GOVERNMENT

Schmitt, Chair
Richard, Vice-Chair
Dixon
Goodman
Lamping
Nieves
Ridgeway
Callahan
McKenna

JUDICIARY AND CIVIL AND CRIMINAL JURISPRUDENCE

Goodman, Chair
Schmitt, Vice-Chair
Dixon
Kraus
Munzlinger
Justus
Keaveny

PROGRESS AND DEVELOPMENT

Callahan, Chair
Keaveny, Vice-Chair
Chappelle-Nadal
Schaaf
Wasson

SMALL BUSINESS, INSURANCE AND INDUSTRY

Rupp, Chair
Parson, Vice-Chair
Crowell
Munzlinger
Wasson
Callahan
Green

TRANSPORTATION

Stouffer, Chair
Kehoe, Vice-Chair
Engler
Goodman
Lamping
Richard
Wasson
McKenna
Wright-Jones

VETERANS' AFFAIRS, EMERGING ISSUES, PENSIONS AND URBAN AFFAIRS

Crowell, Chair
Brown, Vice-Chair
Engler
Lamping
Pearce
Wright-Jones
Keaveny

WAYS AND MEANS AND FISCAL OVERSIGHT

Purgason, Chair
Kraus, Vice-Chair
Lager
Richard
Chappelle-Nadal

On motion of Senator Dempsey, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Pearce.

COMMUNICATIONS

President Pro Tem Mayer submitted the following:

**SENATE HEARING SCHEDULE
96th GENERAL ASSEMBLY
FIRST REGULAR SESSION
JANUARY 12, 2011**

	Monday	Tuesday	Wednesday	Thursday
8:00 a.m.		Appropriations SCR 2 (Schaefer)	Appropriations SCR 2 (Schaefer) Transportation SCR 1 (Stouffer)	
8:15 a.m.		Health, Mental Health, Seniors and Families SCR 1 (Ridgeway)		
8:30 a.m.			Gubernatorial Appointments SL (Mayer)	Ways and Means and Fiscal Oversight SCR 1 (Purgason) Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs SL (Crowell)
12:30 p.m.	Appropriations SCR 2 (Schaefer)			
1:00 p.m.		Small Business, Insurance and Industry SCR 1 (Rupp) Rules, Joint Rules, Resolutions and Ethics SL (Dempsey)	Jobs, Economic Development and Local Government SL (Schmitt) Agriculture, Food Production and Outdoor Resources SCR 1 (Munzlinger)	
2:00 p.m.			Progress and Development SCR 2 (Callahan)	
2:30 p.m.	Financial and Governmental Organizations and Elections SL (Engler)			
3:00 p.m.		Commerce, Consumer Protection, Energy and the Environment SL (Lager) General Laws SCR 1 (Cunningham)	Governmental Accountability SCR 1 (Lembke) Education SL (Pearce)	
7:00 p.m.	Judiciary and Civil and Criminal Jurisprudence SL (Goodman)			

RESOLUTIONS

Senator Chappelle-Nadal offered Senate Resolution No. 41, regarding Dr. Savannah Miller Young, St. Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 42, regarding Tyler Lee Yost, which was adopted.

Senator Wasson offered Senate Resolution No. 43, regarding Shelby Harris, which was adopted.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 1—General Laws.

SB 2—Health, Mental Health, Seniors and Families.

SB 3—Financial and Governmental Organizations and Elections.

SB 4—Agriculture, Food Production and Outdoor Resources.

SB 5—Health, Mental Health, Seniors and Families.

SB 6—Health, Mental Health, Seniors and Families.

SB 7—Health, Mental Health, Seniors and Families.

SB 8—Judiciary and Civil and Criminal Jurisprudence.

SB 9—Commerce, Consumer Protection, Energy and the Environment.

SB 10—Small Business, Insurance and Industry.

SB 11—Transportation.

SB 12—Education.

SB 13—Education.

SB 14—Education.

SB 15—Ways and Means and Fiscal Oversight.

SB 16—Jobs, Economic Development and Local Government.

SB 17—Health, Mental Health, Seniors and Families.

SB 18—Jobs, Economic Development and Local Government.

SB 19—Jobs, Economic Development and Local Government.

SB 20—Education.

SB 21—Education.

SB 22—Progress and Development.

SB 23—Progress and Development.

SB 24—Transportation.

SB 25—Jobs, Economic Development and Local Government.

SB 26—Transportation.

SB 27—Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs.

SB 28—Transportation.

SB 29—Agriculture, Food Production and Outdoor Resources.

SB 30—Judiciary and Civil and Criminal Jurisprudence.

SB 31—Small Business, Insurance and Industry.

SB 32—Judiciary and Civil and Criminal Jurisprudence.

SB 33—Transportation.

SB 34—Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs.

SB 35—Health, Mental Health, Seniors and Families.

SB 36—Jobs, Economic Development and Local Government.

SB 37—General Laws.

SB 38—Health, Mental Health, Seniors and Families.

SB 39—Health, Mental Health, Seniors and Families.

SB 40—Judiciary and Civil and Criminal Jurisprudence.

SB 41—Health, Mental Health, Seniors and Families.

SB 42—Health, Mental Health, Seniors and Families.

SB 43—Health, Mental Health, Seniors and Families.

SB 44—Small Business, Insurance and Industry.

SB 45—Transportation.

SB 46—Judiciary and Civil and Criminal Jurisprudence.

SB 47—Progress and Development.

SB 48—Commerce, Consumer Protection, Energy and the Environment.

SB 49—Transportation.

SB 50—Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs.

COMMUNICATIONS

President Pro Tem Mayer submitted the following:

January 12, 2011

Honorable Rob Mayer
President Pro Tem
Missouri Senate
Jefferson City, MO 65101

Dear President Pro Tem:

By this letter, I hereby resign from the Missouri Health Facilities Review Committee.
Please do not hesitate to contact me if you have any questions regarding this matter.

Sincerely,
/s/ Eric S. Schmitt
ERIC S. SCHMITT

Also,

January 12, 2011

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

RE: Appointment to the Joint Committee on Capital Improvements and Leases Oversight

Dear Ms. Spieler:

Pursuant to Section 21.530, RSMo, I am appointing Senator Jim Lembke to the Joint Committee on Capital Improvements and Leases Oversight.

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

Also,

January 12, 2011

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

RE: Appointment to the Joint Committee on Administrative Rules

Dear Ms. Spieler:

Pursuant to Section 536.037, RSMo, I am appointing Senator Eric Schmitt to the Joint Committee on Administrative Rules.

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

INTRODUCTIONS OF GUESTS

On behalf of Senator Schaefer and himself, Senator Pearce introduced to the Senate, Steve Owens, Interim President of the University of Missouri, Columbia.

Senator Dixon introduced to the Senate, Tom Martz, Allen McDonald, Frank Shin and Debbie Bridges, Springfield.

Senator Rupp introduced to the Senate, the Physician of the Day, Dr. Thomas Wright, M.D., Wentzville.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTH DAY—THURSDAY, JANUARY 13, 2011

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 51-Cunningham	SB 79-Justus
SB 52-Cunningham	SB 80-Justus
SB 53-Cunningham	SB 81-Pearce
SB 54-Cunningham	SB 82-Pearce
SB 55-Brown	SB 83-Pearce
SB 56-Rupp	SB 84-Wright-Jones
SB 57-Callahan	SB 85-Lembke
SB 58-Stouffer	SB 86-Lembke
SB 59-Keaveny	SB 87-Parson
SB 60-Keaveny	SB 88-Schaaf
SB 61-Keaveny	SB 89-Lembke
SB 62-Schaaf	SB 90-Dempsey
SB 63-Mayer	SB 91-Engler
SB 64-Parson	SB 92-Schaaf
SB 65-Mayer, et al	SB 93-Kraus
SB 67-Cunningham	SB 94-Munzlinger
SB 68-Mayer	SB 95-Munzlinger
SB 69-Schaefer	SB 96-Engler
SB 70-Schaefer	SB 97-Engler
SB 71-Parson	SB 98-Schaaf
SB 72-Kraus	SB 99-Chappelle-Nadal
SB 73-Kraus	SB 100-Stouffer
SB 74-Kraus	SB 101-Parson
SB 75-Kraus	SB 102-Green
SB 76-Schaaf	SB 103-Green
SB 77-Stouffer	SB 104-Green
SB 78-Brown	SB 105-Green

SB 106-Green
SB 107-Green
SB 108-Schmitt, et al
SJR 1-Ridgeway
SJR 2-Stouffer
SJR 3-Goodman
SJR 5-Chappelle-Nadal

SJR 6-Chappelle-Nadal
SJR 7-Lembke
SJR 8-Kraus
SJR 9-Engler
SJR 10-Lembke and Green
SJR 11-Munzlinger
SJR 12-Green

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Journal of the Senate

FIRST REGULAR SESSION

SIXTH DAY—THURSDAY, JANUARY 13, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“All the ends of the earth shall remember and turn to the Lord; and all the families of the nations shall worship before him.” (Psalm 22:27)

Blessed Lord, we are so thankful as we conclude this week, mindful of the mission we have as we prepare to travel home. May we experience Your claiming Word to others as well as ourselves and express love as You would have us perform. May we give You praise for Your faithfulness and the steadfast love You have shown us and those we love in our communities of faith. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Richard
Ridgeway	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—31	

Absent—Senators—None

Absent with leave—Senators

Purgason Rupp—2

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Justus offered Senate Resolution No. 44, regarding John I. Haynes, DDS, Kansas City, which was adopted.

Senator Wasson offered Senate Resolution No. 45, regarding the death of Sergeant First Class Robert W. Pharris, Seymour, which was adopted.

INTRODUCTION OF BILLS

SB 109—By Crowell.

An Act to amend chapter 290, RSMo, by adding thereto one new section relating to labor organizations, with penalty provisions, and a referendum clause.

SB 110—By Crowell.

An Act to repeal section 290.502, RSMo, and to enact in lieu thereof one new section relating to the minimum wage, with a referendum clause.

SB 111—By Schaaf.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health insurance.

SB 112—By Kraus.

An Act to repeal section 210.135, RSMo, and to enact in lieu thereof one new section relating to reporting of child abuse.

SB 113—By Parson and Engler.

An Act to repeal section 273.345, RSMo, and to enact in lieu thereof one new section relating to commercial dog breeders, with existing penalty provisions and an emergency clause.

SB 114—By Justus.

An Act to amend chapter 174, RSMo, by adding thereto one new section relating to higher education tuition policy, with an emergency clause.

SB 115—By Justus.

An Act to repeal sections 169.270, 169.280, 169.301, 169.324, and 169.328, RSMo, and to enact in lieu thereof five new sections relating to school retirement systems.

SB 116—By Justus.

An Act to repeal sections 210.844, 454.850, 454.853, 454.855, 454.857, 454.860, 454.862, 454.865, 454.867, 454.869, 454.871, 454.874, 454.877, 454.880, 454.882, 454.885, 454.887, 454.890, 454.892, 454.895, 454.897, 454.900, 454.902, 454.905, 454.907, 454.910, 454.912, 454.915, 454.917, 454.920, 454.922, 454.927, 454.930, 454.932, 454.934, 454.936, 454.938, 454.941, 454.943, 454.946, 454.948, 454.951, 454.953, 454.956, 454.958, 454.961, 454.963, 454.966, 454.968, 454.971, 454.973, 454.976, 454.978, 454.981, 454.983, 454.986, 454.989, 454.991, 454.993, 454.995, and 454.999, RSMo, and to enact in lieu thereof eighty new sections relating to the uniform interstate family support act, with a contingent effective date.

SB 117—By Engler.

An Act to repeal section 144.032, RSMo, and to enact in lieu thereof two new sections relating to the imposition of a hospital district sales tax in lieu of a property tax to fund a hospital district.

SB 118—By Stouffer.

An Act to repeal section 198.074, RSMo, and to enact in lieu thereof one new section relating to sprinkler system requirements in long-term care facilities.

COMMITTEE APPOINTMENTS

Pursuant to **HCR 2**, President Pro Tem Mayer replaced Senator Crowell with Senator Chappelle-Nadal.

COMMUNICATIONS

President Pro Tem Mayer submitted the following:

January 13, 2011

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

RE: Appointment to the Joint Committee on Capitol Improvements and Leases Oversight

Dear Ms. Spieler:

Pursuant to Section 21.530, RSMo, I am appointing Senator Jolie Justus to the Joint Committee on Capitol Improvements and Leases Oversight to replace Senator Frank Barnitz.

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Schaefer introduced to the Senate, Boone County Prosecuting Attorney Dan Knight, Columbia; and Prosecuting Attorneys from around the state.

Senator Schaaf introduced to the Senate, Molly Mathews, Weston.

On motion of Senator Dempsey, the Senate adjourned until 4:00 p.m., Tuesday, January 18, 2011.

SENATE CALENDAR

SEVENTH DAY–TUESDAY, JANUARY 18, 2011

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 51-Cunningham
SB 52-Cunningham
SB 53-Cunningham
SB 54-Cunningham
SB 55-Brown
SB 56-Rupp

SB 57-Callahan
SB 58-Stouffer
SB 59-Keaveny
SB 60-Keaveny
SB 61-Keaveny
SB 62-Schaaf

SB 63-Mayer	SB 97-Engler
SB 64-Parson	SB 98-Schaaf
SB 65-Mayer, et al	SB 99-Chappelle-Nadal
SB 67-Cunningham	SB 100-Stouffer
SB 68-Mayer	SB 101-Parson
SB 69-Schaefer	SB 102-Green
SB 70-Schaefer	SB 103-Green
SB 71-Parson	SB 104-Green
SB 72-Kraus	SB 105-Green
SB 73-Kraus	SB 106-Green
SB 74-Kraus	SB 107-Green
SB 75-Kraus	SB 108-Schmitt, et al
SB 76-Schaaf	SB 109-Crowell
SB 77-Stouffer	SB 110-Crowell
SB 78-Brown	SB 111-Schaaf
SB 79-Justus	SB 112-Kraus
SB 80-Justus	SB 113-Parson and Engler
SB 81-Pearce	SB 114-Justus
SB 82-Pearce	SB 115-Justus
SB 83-Pearce	SB 116-Justus
SB 84-Wright-Jones	SB 117-Engler
SB 85-Lembke	SB 118-Stouffer
SB 86-Lembke	SJR 1-Ridgeway
SB 87-Parson	SJR 2-Stouffer
SB 88-Schaaf	SJR 3-Goodman
SB 89-Lembke	SJR 5-Chappelle-Nadal
SB 90-Dempsey	SJR 6-Chappelle-Nadal
SB 91-Engler	SJR 7-Lembke
SB 92-Schaaf	SJR 8-Kraus
SB 93-Kraus	SJR 9-Engler
SB 94-Munzlinger	SJR 10-Lembke and Green
SB 95-Munzlinger	SJR 11-Munzlinger
SB 96-Engler	SJR 12-Green

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Journal of the Senate

FIRST REGULAR SESSION

SEVENTH DAY—TUESDAY, JANUARY 18, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Every man must decide whether he will walk in the light of creative altruism or in the darkness of destructive selfishness.” (Martin Luther King, Jr.)

O Lord our God, we ask that You bless our remembering Dr. King as we celebrate his gifts to us this evening and we pray that we can each see and live the life that Reverend King saw possible for us. So help us Lord be all You have created us to be and rejoice in what is possible among our interactions with one another. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 13, 2011 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

Absent—Senators—None

Absent with leave—Senator Purgason—1

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Chappelle-Nadal offered Senate Resolution No. 46, regarding the Chinese New Year, which was adopted.

Senator Stouffer offered Senate Resolution No. 47, regarding the One Hundred Fifth Birthday of Clara Garrison Guthrie, Corder, which was adopted.

Senator Cunningham offered Senate Resolution No. 48, regarding Yacovelli's Restaurant, Florissant, which was adopted.

Senator Richard offered Senate Resolution No. 49, regarding Edwin L. Grundy, Sr., Carthage, which was adopted.

Senator Richard offered Senate Resolution No. 50, regarding the One Hundred First Birthday of Ruby M. Ott, Oronogo, which was adopted.

Senator Munzlinger offered Senate Resolution No. 51, regarding Ervin W. Harder, DMD, Kansas City, which was adopted.

Senator Schaefer offered Senate Resolution No. 52, regarding Gary W. Heimericks, Tebbetts, which was adopted.

Senator Richard offered Senate Resolution No. 53, regarding The Run Around Running Co., Joplin, which was adopted.

Senator Richard offered Senate Resolution No. 54, regarding Trogo, LLC, Joplin, which was adopted.

Senator Schaefer offered Senate Resolution No. 55, regarding Energy Americas, Columbia, which was adopted.

Senator Schaefer offered Senate Resolution No. 56, regarding Comparative Clinical Pathology Services, LLC, Columbia, which was adopted.

Senator Schaefer offered Senate Resolution No. 57, regarding Galactic Fun Zone, Columbia, which was adopted.

Senator Keaveny offered Senate Resolution No. 58, regarding Halbert Sullivan, Saint Peters, which was adopted.

Senators Rupp and Dempsey offered Senate Resolution No. 59, regarding RespondRight EMS Academy, Saint Peters, which was adopted.

Senator Schmitt offered Senate Resolution No. 60, regarding Sarah King, which was adopted.

Senator Schmitt offered Senate Resolution No. 61, regarding David Haring, which was adopted.

Senator Schmitt offered Senate Resolution No. 62, regarding Andrew Huber, which was adopted.

Senator Schmitt offered Senate Resolution No. 63, regarding Eric Kuhlmann, which was adopted.

Senator Brown offered Senate Resolution No. 64, regarding the death of Thomas Marion Julian, Sr., Waynesville, which was adopted.

Senator Dempsey offered the following resolution:

SENATE RESOLUTION NO. 65

WHEREAS, the Administration Committee is required by law to establish the rates of pay each year, and

WHEREAS, such rates of pay are to be the same as those established under the policies of the Personnel Division of the Office of Administration for comparable duties after examination of the rates of pay then in effect, and

WHEREAS, the rates of pay established shall become effective with the adoption of this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Committee on Administration that the number, classification and rates of pay authorized for employees of the Senate shall include one department director and eight division level directors to be compensated according to Office of Administration guidelines; and the following authorized employees at rates of pay within the ranges hereby established.

NO.	CLASSIFICATION	MONTHLY SALARY RANGE
4	Staff Attorney II	3,476 - 5,135
1	Senior Staff Attorney	3,932 - 5,829
3	Research Analyst IV	3,476 - 5,135
1	Investigator	3,225 - 4,724
4	Research Staff Secretary	2,688 - 3,832
2	Budget Research Analyst II	2,996 - 4,263
2	Budget Research Analyst III	3,476 - 5,135
1	Senior Budget Research Analyst	3,932 - 5,829
1	Budget Staff Secretary	2,688 - 3,832
3	Assistant Secretary of Senate	2,996 - 4,263
1	Enrolling & Engrossing Supervisor	2,996 - 4,263
2.5	Enrolling & Engrossing Clerk	2,383 - 3,351
1	Billroom Supervisor	2,383 - 3,351
1	Billroom Clerk	2,048 - 2,828
5	Public Information Specialist	2,383 - 3,351
1	Photographer	2,688 - 3,832
1	Administrative Assistant	3,131 - 6,425
1	Telecommunications Coordinator	2,996 - 4,263
1.5	Accounting Specialist	2,785 - 3,932
1	Human Resources Specialist	2,785 - 3,932
1	Office Assistance Supervisor	2,996 - 4,263
8.5	Administrative/Office Support	2,785 - 3,932
1	Messenger	1,983 - 2,679
2	Computer Info. Technology Spec. I	3,832 - 5,590
2	Computer Info. Technology Spec. II	4,441 - 6,357
1	Computer Info. Technology Spec. III	4,629 - 6,644
3	Computer Info. Technologist II	3,108 - 4,441
1	Network/Communications Specialist	3,832 - 5,590
2	Data Entry Operator III	2,232 - 3,108

NO.	CLASSIFICATION	MONTHLY SALARY RANGE
1	Composing Equipment Operator III	2,232 - 3,108
3	Redistricting Specialist	2,785 - 3,932
1	Printing Services Technician II	2,048 - 2,828
2	Printing Services Technician III	2,232 - 3,108
2	Printing Services Technician IV	2,508 - 3,476
1	Maintenance Supervisor	2,508 - 3,476
1	Carpenter II	2,508 - 3,476
1	Maintenance Worker	2,048 - 2,828
0.5	Sergeant at Arms (Elected)	2,508 - 3,476
0.5	Doorkeeper (Elected)	1,832 - 2,460
3.5	Assistant Doorkeeper	1,678 - 2,183
0.5	Reading Clerk	1,678 - 2,183
0.5	Chaplain	908 - 1,202
0.5	Security Guard	1,727 - 2,297

BE IT FURTHER RESOLVED that the Senate Administration Committee is authorized to establish a formula setting forth the maximum amount which may be expended by each Senator and each caucus for the employment of Administrative and Clerical Assistants. Each Senator plus the President Pro Tem and the Minority Leader on behalf of their caucus will be notified of the funds available, and shall thereafter certify to the Senate Administrator the names and addresses of Administrative and Clerical Assistants. The compensation paid to the Senators' and caucus administrative and clerical assistants shall be within the limits of the categories set forth herein above.

BE IT FURTHER RESOLVED that the Senate Administrator, with the approval of the Senate Administration Committee, shall have the authority to cooperate and coordinate with the Chief Clerk of the House in the selection of employees, who shall be assigned to the garage, Joint Committee Staffs and the rotunda area, and who will be paid from the Joint House and Senate Contingent Fund, within the limits of the categories set out above.

BE IT FURTHER RESOLVED that the Committee on Administration has the authority to reduce, combine or consolidate positions and salaries where necessary to meet changed conditions or circumstances which arise, and may enter into contracts with consultants, provided such consultant's contract fee does not exceed the salary for the comparable position, and such consultant shall count as an employee of the Senate.

BE IT FURTHER RESOLVED that the Senate Administration Committee is authorized to adjust the foregoing pay ranges in July to reflect implementation of the state pay plan for FY 2012.

Senator Dempsey offered Senate Resolution No. 66, regarding Paul G. Dolan, Jr., DDS, Saint Charles, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 119—By Schaefer.

An Act to amend chapter 442, RSMo, by adding thereto one new section relating to conservation easements.

SB 120–By Stouffer.

An Act to repeal section 226.540, RSMo, and to enact in lieu thereof two new sections relating to billboards.

SB 121–By Stouffer.

An Act to repeal sections 70.710, 70.720, and 70.730, RSMo, and to enact in lieu thereof three new sections relating to Missouri local government employees' retirement system.

SB 122–By Schaaf.

An Act to repeal section 354.535, RSMo, and to enact in lieu thereof two new sections relating to health insurance.

SB 123–By Keaveny.

An Act to repeal sections 160.053, 160.054, 160.055, 160.410, and 160.415, RSMo, and to enact in lieu thereof five new sections relating to charter schools.

SB 124–By Keaveny.

An Act to repeal section 167.031, RSMo, and to enact in lieu thereof one new section relating to school attendance.

SB 125–By Keaveny.

An Act to repeal sections 367.503, 367.512, and 367.533, RSMo, and to enact in lieu thereof three new sections relating to title loans, with penalty provisions.

SB 126–By Wasson.

An Act to repeal section 208.152, RSMo, and to enact in lieu thereof one new section relating to counseling services under the MO HealthNet program.

SB 127–By Chappelle-Nadal.

An Act to amend chapter 105, RSMo, by adding thereto two new sections relating to public officials.

SB 128–By Lembke.

An Act to repeal section 160.400, RSMo, and to enact in lieu thereof one new section relating to sponsorship of charter schools.

SB 129–By Lembke.

An Act to repeal section 167.131, RSMo, and to enact in lieu thereof one new section relating to student transfers.

SB 130–By Rupp.

An Act to amend chapter 173, RSMo, by adding thereto four new sections relating to the early high school graduation scholarship program.

SB 131–By Rupp.

An Act to repeal section 643.315, RSMo, and to enact in lieu thereof one new section relating to exempting qualified plug-in electric drive vehicles from the motor vehicle emissions inspection program.

SB 132—By Rupp and Kehoe.

An Act to repeal sections 375.012, 385.206, and 385.208, RSMo, and to enact in lieu thereof seven new sections relating to motor vehicle extended service contracts, with penalty provisions.

SB 133—By Rupp.

An Act to repeal section 227.107, RSMo, and to enact in lieu thereof one new section relating to highway design-build project contracts.

SB 134—By Rupp.

An Act to repeal section 211.447, RSMo, and to enact in lieu thereof one new section relating to parental rights of individuals with disabilities.

REPORTS OF STANDING COMMITTEES

Senator Mayer, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointment, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Robert Miller, as a member of the State Board of Mediation;

Also,

Ann Pluemer, Democrat, as a member of the Saint Louis County Board of Election Commissioners;

Also,

Ann Nunn-Jones, Democrat, as a member of the Missouri Real Estate Appraisers Commission;

Also,

Sharlene Rimiller, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists;

Also,

Kenneth H. Suelthaus, Republican, as a member of the State Highways and Transportation Commission;

Also,

Mary Nelson, as a member of the Administrative Hearing Commission;

Also,

Nicole Colbert-Botchway, Democrat, as a member of the Missouri Women's Council;

Also,

Jerome Lee, as a member of the Saint Louis City Board of Police Commissioners;

Also,

Leo Blakley, Democrat, as a member of the Missouri Western State University Board of Governors;

Also,

M. Blake Heath, Republican, as a member of the Kansas City Board of Election Commissioners;

Also,

Joseph S. Barbosa, as the student representative of the Northwest Missouri State University Board of Regents;

Also,

Melanie J. Guthrie, as a member of the Advisory Commission for Anesthesiologist Assistants;

Also,

James Rearden, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects;

Also,

Kenneth J. Bonnot, as Director of the Division Credit Unions;

Also,

Kathryn Swan, Republican, as a member of the Coordinating Board for Higher Education.

Senator Mayer requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Mayer moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointment, which motion prevailed.

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 27**, begs leave to report that it has considered the same and recommends that the resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 1**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

COMMUNICATIONS

President Pro Tem Mayer submitted the following:

January 18, 2011

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

RE: Appointment to the Joint Committee on Education

Dear Ms. Spieler:

Pursuant to Section 160.254, RSMo, I am appointing Senator Brian Nieves to the Joint Committee on Education to replace Senator Yvonne Wilson, whose term has expired.

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

Also,

January 18, 2011

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

RE: Appointment to the Joint Committee on Education

Dear Ms. Spieler:

Pursuant to Section 160.254, RSMo, I am appointing Senator Maria Chappelle-Nadal to the Joint Committee on Education to replace Senator Rita Days, whose term has expired.

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

Also,

January 18, 2011

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

RE: Reappointments to the Joint Committee on Education

Dear Ms. Spieler:

Pursuant to Section 160.254, RSMo, I hereby reappoint Senators Scott Rupp and Joseph Keaveny to the Joint Committee on Education.

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Schaefer introduced to the Senate, Krista Crider, Alexandra Logan and Whitney Jones.

Senator Pearce introduced to the Senate, Timothy Campbell.

Senator Stouffer introduced to the Senate, Angela Zhang, Sarah Zaghouani, Abby Thompson and Marilyn Toalson.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

EIGHTH DAY—WEDNESDAY, JANUARY 19, 2011

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 51-Cunningham	SB 86-Lembke
SB 52-Cunningham	SB 87-Parson
SB 53-Cunningham	SB 88-Schaaf
SB 54-Cunningham	SB 89-Lembke
SB 55-Brown	SB 90-Dempsey
SB 56-Rupp	SB 91-Engler
SB 57-Callahan	SB 92-Schaaf
SB 58-Stouffer	SB 93-Kraus
SB 59-Keaveny	SB 94-Munzlinger
SB 60-Keaveny	SB 95-Munzlinger
SB 61-Keaveny	SB 96-Engler
SB 62-Schaaf	SB 97-Engler
SB 63-Mayer	SB 98-Schaaf
SB 64-Parson	SB 99-Chappelle-Nadal
SB 65-Mayer, et al	SB 100-Stouffer
SB 67-Cunningham	SB 101-Parson
SB 68-Mayer	SB 102-Green
SB 69-Schaefer	SB 103-Green
SB 70-Schaefer	SB 104-Green
SB 71-Parson	SB 105-Green
SB 72-Kraus	SB 106-Green
SB 73-Kraus	SB 107-Green
SB 74-Kraus	SB 108-Schmitt, et al
SB 75-Kraus	SB 109-Crowell
SB 76-Schaaf	SB 110-Crowell
SB 77-Stouffer	SB 111-Schaaf
SB 78-Brown	SB 112-Kraus
SB 79-Justus	SB 113-Parson and Engler
SB 80-Justus	SB 114-Justus
SB 81-Pearce	SB 115-Justus
SB 82-Pearce	SB 116-Justus
SB 83-Pearce	SB 117-Engler
SB 84-Wright-Jones	SB 118-Stouffer
SB 85-Lembke	SB 119-Schaefer

SB 120-Stouffer
SB 121-Stouffer
SB 122-Schaaf
SB 123-Keaveny
SB 124-Keaveny
SB 125-Keaveny
SB 126-Wasson
SB 127-Chappelle-Nadal
SB 128-Lembke
SB 129-Lembke
SB 130-Rupp
SB 131-Rupp
SB 132-Rupp and Kehoe

SB 133-Rupp
SB 134-Rupp
SJR 1-Ridgeway
SJR 2-Stouffer
SJR 3-Goodman
SJR 5-Chappelle-Nadal
SJR 6-Chappelle-Nadal
SJR 7-Lembke
SJR 8-Kraus
SJR 9-Engler
SJR 10-Lembke and Green
SJR 11-Munzlinger
SJR 12-Green

INFORMAL CALENDAR

RESOLUTIONS

SR 65-Dempsey

Reported from Committee

SR 27-Cunningham

SCR 1-Ridgeway

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Journal of the Senate

FIRST REGULAR SESSION

EIGHTH DAY—WEDNESDAY, JANUARY 19, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

President Pro Tem Mayer offered the following prayer:

Your Gracious Heavenly Father, we thank You today for the opportunity to serve this great state in our capacity as State Senators. We ask, Lord, that You bestow upon us the wisdom that You promise us in the Book of James, saying that if we lack wisdom to come and ask You and so we do that this day Lord. We ask that You bestow upon us Your wisdom as we proceed with this session in 2011. Lord, we understand that there are a lot of issues that face our great state today and so, Lord, we ask that You help us, guide and direct us as we tackle those issues and Lord we thank You in advance for answering this prayer and to You goes all the glory. For it's in the name of Jesus Christ I pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

Absent—Senators—None

Absent with leave—Senator Purgason—1

Vacancies—1

The Lieutenant Governor was present.

Senator Dempsey announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 67, regarding Infinity Recycling Solutions, LLC, Cape Girardeau, which was adopted.

Senator Cunningham offered Senate Resolution No. 68, regarding JL Brown Contracting Service, Florissant, which was adopted.

Senator Cunningham offered Senate Resolution No. 69, regarding the One Hundredth Birthday of Charlotte Stone Passanise, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 135—By Schaefer.

An Act to repeal sections 260.965 and 414.072, RSMo, and to enact in lieu thereof five new sections relating to environmental protection.

SB 136—By Schaaf.

An Act to amend chapter 197, RSMo, by adding thereto one new section relating to physician privileges.

SB 137—By Brown.

An Act to repeal section 197.705, RSMo, and to enact in lieu thereof one new section relating to health care professional identification badges.

SB 138—By Keaveny.

An Act to amend chapter 578, RSMo, by adding thereto sixteen new sections relating to private possession of nonhuman primates, with penalty provisions.

SB 139—By Crowell.

An Act to repeal sections 32.105, 32.110, 32.111, 32.112, 32.115, 99.1205, 100.286, 100.297, 100.850, 135.015, 135.020, 135.090, 135.110, 135.305, 135.327, 135.352, 135.460, 135.484, 135.490, 135.535, 135.545, 135.546, 135.550, 135.562, 135.575, 135.600, 135.630, 135.647, 135.679, 135.680, 135.700, 135.750, 135.766, 135.967, 135.1150, 143.119, 143.471, 148.030, 148.400, 208.770, 253.550, 253.559, 320.093, 348.430, 348.432, 348.434, 348.505, 375.774, 376.745, 376.975, 447.708, 620.495, 620.1039, 620.1881, and 660.055, RSMo, and to enact in lieu thereof fifty-one new sections relating to subjecting tax credit programs to appropriations.

SB 140—By Crowell.

An Act to repeal sections 135.010, 135.025, and 135.030, RSMo, and to enact in lieu thereof three new sections relating to the Missouri property tax credit.

SB 141—By Crowell.

An Act to repeal sections 135.800 and 135.802, RSMo, and to enact in lieu thereof three new sections relating to the receipt of tax credits by campaign contributors.

SB 142—By Crowell.

An Act to repeal sections 100.265 and 215.020, RSMo, and to enact in lieu thereof two new sections relating to conflicts of interest in certain boards and commissions.

SB 143—By Crowell.

An Act to repeal section 99.975, RSMo, and to enact in lieu thereof one new section relating to the Missouri downtown and rural economic stimulus act.

SB 144—By Crowell.

An Act to repeal sections 100.286 and 135.352, RSMo, and to enact in lieu thereof two new sections relating to a moratorium on the authorization of certain tax credits, with an emergency clause.

SB 145—By Dempsey.

An Act to repeal section 55.030, RSMo, and to enact in lieu thereof one new section relating to county inventory.

SB 146—By Schmitt.

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to a business income deduction for income tax purposes.

RESOLUTIONS

Senator Dempsey moved that **SR 65** be taken up for adoption, which motion prevailed.

On motion of Senator Dempsey, **SR 65** was adopted.

Senator Cunningham moved that **SR 27** be taken up for adoption, which motion prevailed.

Senator Pearce assumed the Chair.

On motion of Senator Cunningham, **SR 27** was adopted.

On motion of Senator Dempsey, the Senate recessed until 6:30 p.m.

RECESS

The time of recessing having expired, the Senate was called to order by President Kinder.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following escort committee to act with a like committee from the Senate pursuant to **HCR 1**. Representatives: Funderburk, Torpey, Dieckhaus, Korman, Scharnhorst, Parkinson, Meadows, Shieffer, Jones (63), Harris, Casey and Peters-Baker.

On motion of Senator Dempsey, the Senate recessed to the House of Representatives to receive the State of the State Address from His Excellency, Governor Jay Nixon.

JOINT SESSION

The Joint Session was called to order by President Kinder.

The Color Guard from the Missouri State Highway Patrol, Troop F, presented the colors.

The Pledge of Allegiance to the Flag was recited.

On roll call the following Senators were present:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Dempsey	Dixon	Goodman	Green
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	Lembke	Mayer
McKenna	Munzlinger	Nieves	Parson	Pearce	Richard	Ridgeway	Rupp
Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—30		

Absent—Senators

Cunningham Engler—2

Absent with leave—Senator Purgason—1

Vacancies—1

On roll call the following Representatives were present:

Present—Representatives

Allen	Anders	Asbury	Atkins	Aull	Bahr	Barnes	Bernskoetter
Berry	Black	Brandom	Brattin	Brown 50	Brown 85	Brown 116	Burlison
Carlson	Casey	Cauthorn	Cierpiot	Colona	Conway 14	Conway 27	Cookson
Cox	Crawford	Cross	Curls	Curtman	Davis	Day	Denison
Dieckhaus	Diehl	Dugger	Ellinger	Elmer	Entlicher	Faith	Fallert
Fisher	Fitzwater	Flanigan	Fraker	Franklin	Franz	Frederick	Fuhr
Funderburk	Gatschenberger	Gosen	Grisamore	Guernsey	Haefner	Hampton	Harris
Higdon	Hinson	Hoskins	Hough	Houghton	Hubbard	Hummel	Johnson
Jones 63	Jones 89	Jones 117	Kander	Keeney	Kelley 126	Kelly 24	Kirkton
Klippenstein	Koenig	Korman	Kratky	Lair	Lant	Largent	Lasater
Lauer	Leach	Lichtenegger	Loehner	Long	Marshall	May	McCaherty
McCann Beatty	McDonald	McGeoghegan	McGhee	McManus	McNeil	Molendorp	Montecillo
Nance	Nasheed	Neth	Newman	Nichols	Nolte	Oxford	Pace
Parkinson	Peters-Baker	Phillips	Pierson	Pollock	Quinn	Redmon	Reiboldt
Richardson	Riddle	Rizzo	Rowland	Ruzicka	Sater	Schad	Schatz
Schieber	Schieffer	Schneider	Schoeller	Schupp	Shively	Shumake	Sifton
Silvey	Smith 71	Smith 150	Solon	Spreng	Still	Stream	Swearingen
Swinger	Talboy	Taylor	Thomson	Torpey	Wallingford	Walton Gray	Webb
Webber	Wells	Weter	White	Wieland	Wyatt	Zerr	Zimmerman

Mr. Speaker—153

Absent and Absent with Leave—Representatives—10

Carter	Hodges	Holsman	Hughes	Lampe	Leara	McNary	Meadows
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Scharnhorst Wright

Vacancies—None

The Joint Committee appointed to wait upon His Excellency, Governor Jay Nixon, escorted the Governor to the dais where he delivered the State of the State Address to the Joint Assembly:

State of the State Address
Governor Jeremiah W. (Jay) Nixon

Thank you, Legislative Leaders; Judges of the Missouri Supreme Court; Lieutenant Governor Kinder; state officials; members of the General Assembly; members of my cabinet; and my fellow Missourians.

I'd like to thank my wife Georganne, and our sons, Jeremiah and Will, for their strength and support every day.

Because every day, we are reminded that the world we live in can be a dangerous place.

From Afghanistan to Arizona, there is no shortage of violence and conflict.

Fortunately, there is no shortage of heroes ready to step up to defend others, and the freedoms we hold so dear.

One of them is here with us tonight.

Perry Coy is a member of the Greatest Generation.

His acts of bravery during the Second World War earned him three Purple Hearts, the Bronze Star and the Silver Star. And just last month, I was proud to present him with the French government's highest decoration for valor: the Legion of Honor.

Fresh out of Bolivar High School, Perry Coy joined the Army. The Allies had just landed in Normandy, and from the moment he set foot on French soil, he was in the thick of it. He fought through the Ardennes Forest in France and into the heart of the Third Reich.

Along the way, Staff Sergeant Coy braved enemy fire to pull back a wounded medic. And he took out a nest of Nazi gunners raining hellfire on the GIs serving beside him.

Certain, special people take an oath to serve. They may wear the uniform of our armed forces or our police, our firefighters or our state troopers. But they are alike in one fundamental way.

Like Staff Sergeant Coy, they have a spirit that compels them to run toward trouble – not away from it.

They put themselves in harm's way so that we might stay safe.

Out where the ice is thin and the storm rages...where the bombs burst and the bullets fly... that's where you'll find them.

On behalf of every man and woman who has ever worn a uniform of service, will Staff Sergeant Perry Coy please stand and accept the humble thanks of our state.

Perry Coy grew up in the Great Depression, fought the Nazis at the young age of 19, and came through it all an optimist.

With faith in God, faith in the future, and faith in himself, he married his sweetheart, Mary Lou, raised a family and started his own business, right here in Jefferson City.

He personifies the values that have made this nation great in war, and in peace.

Courage.

Tenacity.

Sacrifice.

Hard work.

And last, but surely not least, optimism.

The faith that no matter how difficult things are today, our best days lie ahead.

Times are tough.

Too many folks can't make ends meet, can't find the jobs they want, or worry they'll lose the jobs they have.

But even in these tough times, I'm optimistic.

I'm optimistic because I know that by working together ... focusing on shared values ... and putting progress above politics ... brighter days are ahead for the Show-Me State.

Together, we're fighting every day, for every job.

We're fighting for every worker who needs a new skill to compete.

We're fighting for every veteran looking for work.

We're fighting for every student who dreams of college and a career.

We're fighting every day for every small business on Main Street.

We're fighting every day for every established business that wants to expand.

And we're fighting every day for every new business that wants to set up shop in the Show-Me State.

My focus is crystal clear.

By fighting every day for every job, we are turning this economy around.

The recession that began three years ago cast a long shadow across our nation.

Millions of Americans are still unemployed.

And while there are signs that our economy is beginning to turn the corner, I won't be satisfied until all Missourians can provide for their families.

How will we do it?

By fighting hard every day for every job.

By making government smarter and more efficient.

By investing in strong communities to attract and keep good jobs, and by balancing our budget without raising taxes.

There are already signs that our hard work and fiscal discipline are paying off.

The number of Missourians filing new unemployment claims is down 17 percent, year over year.

Personal income grew last year, and is expected to keep on growing this year.

November and December revenues were up, indicating that people are cautiously beginning to spend.

That's good news for our economy in the short-term, and bodes well for the long-term.

Make no mistake: the national recession hit Missouri hard.

But after losing jobs back in 2008 and 2009, we turned the corner in 2010, and are poised for job growth this year.

We will continue to be aggressive and relentless, fighting every day for every job. And we'll continue to be aggressive and relentless in making government smarter and more efficient.

We've kept our fiscal house in order with prudent financial controls, rigorous cost reductions, and smarter, more efficient government.

That's earned Missouri a Triple-A credit rating – the best you can get – from all three rating agencies. We're one of the few states in the nation that can make that claim.

It's a big vote of confidence in our state, and saves taxpayers millions of dollars a year in interest.

Compare that to what's going on in other states.

- Texas has a \$15 billion deficit;
- Kansas hiked its sales tax last year;
- New Jersey's got a \$54 billion pension deficit; and

- Illinois just raised personal and corporate income taxes.

Now look at our state.

Fiscal responsibility is a value we share here in the Show-Me State.

With the cuts included in my budget tonight, I will have reduced government spending by more than \$1.8 billion since I took office.

I'll have cut state payroll by over 3,300 positions.

All across state government, a leaner workforce is doing more with less.

These decisions are never easy, but they are necessary.

And because we've been frugal, we have money to invest in the things that matter most to Missourians: jobs, education, health care, and law enforcement.

We've also got to grow our economy, creating a climate where the entrepreneurial spirit can thrive.

That spirit is alive and well in Missouri's small businesses that are mighty engines of job growth.

To help them move forward, we eliminated the franchise tax on 16,000 small businesses in 2009.

We created a small business loan fund to spur investment and job growth.

With us tonight are three outstanding Missouri entrepreneurs who are growing their own success.

With a \$25,000 small business loan, Kelly Burke bought new equipment at his saw mill in Marionville and hired three more workers. Burke Timber is now a diversified business, producing lumber, hardwood floors, pallets and railroad ties.

Marina Remmers used her small business loan to buy commercial printing equipment. She moved her fledgling design company out of her basement and into a storefront in Bethany – and quadrupled her sales.

Chris Heston in Columbia used his state loans to expand his woodworking business and hire another worker. His wooden toys won a Parents Choice Award in 2010.

America was built on the dreams of solitary self-starters like these, with the moxie to invest in themselves.

Please give these home-grown entrepreneurs a big hand.

Cynics say that such small wins don't add up to much.

Cynics don't build things.

Optimists do.

Every job we add matters.

It matters to the person who gets the job.

It matters to their families and communities.

And it matters to Missouri.

Fighting every day for every job, we are turning this economy around.

To compete for 21st Century jobs, we need a highly skilled and well-trained workforce. Our Training for Tomorrow and Caring for Missourians initiatives are preparing thousands more workers for the careers of tomorrow.

We've invested millions in training workers to meet the growing demand in fields like computer technology, clean energy, automotive technology and health care.

Much of that training is taking place at our excellent community colleges, where the link between education and employment has always been strong.

Moberly is training LPNs to become RNs – boosting their earning capacity.

St. Louis is training workers to repair hybrid cars.

Crowder has doubled the number of grads from its EMT program.

We've also invested \$40 million in training more than 1,000 doctors, dentists, nurses and other professionals through our Caring for Missourians initiative. With the booming demand for health care, they'll be ready to step into careers the minute they graduate.

That's why this year, I am expanding Caring for Missourians to provide more opportunities for nursing students at our four-year schools.

I ask the Legislature to join me in making this critical investment in our health, and the health of our economy.

Last year, I said that we needed to bring broadband to every corner of our state. We all know that technology drives today's job market. We live in a high-speed, digital world, where the most tech-savvy, early adapters will succeed.

Soon, 88 Missouri counties will be better connected, at faster speeds, to each other and to the world.

High-speed broadband will have a dramatic impact on our economy, and on our quality of life.

It will connect tens of thousands of homes in rural Missouri to a network of vital community services like fire and police, schools and hospitals, libraries and government.

For a family doc in Lancaster, it means real-time access to specialists in St. Louis.

For students in DeKalb County, it will widen the gateway to infinite online resources for research and class work, both at home and at school.

For cattlemen in Texas County, it will bring faster access to new markets in Brazil and Japan.

The competition for federal funds was steep. But our MoBroadbandNow partnership was a stunning success.

More than \$260 million will be coming to Missouri, which in turn will generate tens of millions of dollars in new investment, and create thousands of new jobs.

We're fighting every day for jobs for our veterans.

Last summer, I visited our troops in Iraq, Kuwait and Afghanistan.

And everywhere I went, I heard the same question: "Will there be a job for me when I come home?"

Tonight, I'm pleased to report that our efforts helped hundreds of veterans find jobs last year.

One year ago, I announced the "Show-Me Heroes" job initiative to help our veterans quickly regain their footing in civilian life. More than 1,000 Missouri employers stepped up to take the Show-Me Heroes pledge to give veterans first crack at a job interview.

I'd like to thank each and every employer who took the Show-Me Heroes pledge and hired a veteran, and I urge every employer in our state to do the same.

One of these employers is here tonight.

Tacony Manufacturing, which makes vacuum cleaners in St. James, took the Show-Me pledge and hired three veterans. The company also took advantage of our Work Ready Missouri program, which retrains unemployed workers to compete in today's economy.

Please give a hand to the Show-Me Heroes employers at Tacony: Nancy Montgomery and John Kaido.

Even during these challenging times, we're making steady progress in driving job growth in the short term, and laying the foundation for economic strength in the long term.

Because of our hard work of the past two years, major companies have announced plans to bring thousands of jobs to our state, including:

300 jobs at Unisys in St. Louis;
400 jobs at Sabreliner in Perryville;
500 jobs at Expedia in Springfield;
500 jobs at Jet Midwest in Kansas City;
and 800 jobs at IBM in Columbia.

And there's more.

Nordic Windpower USA, is relocating from California to Kansas City. It plans to invest \$16 million and create 200 jobs, making wind turbines that produce clean, renewable energy.

Express Scripts is investing \$73 million to expand in St. Louis. That will preserve more than 1,000 jobs, and create 150 more.

Pioneer Hi-Bred has broken ground on a \$55 million soybean research plant in New Madrid County, creating 50 new jobs and helping thousands

of Missouri farmers grow better beans.

Going forward, we will fight every day to help established Missouri businesses grow, and help new ones take root.

We're going to make things in Missouri, and keep the "P" for products in GDP.

Products like:

Boots at Redwing in Potosi;

Batteries at Energizer in Maryville;

Windows at Quaker Windows in Freeburg;

Aluminum at Noranda in Marston;

Engine parts at Bodine in Troy;

Bullets and brakes, aircraft and appliances.

And Missouri will keep on building things, and that includes automobiles.

For a hundred years, Missouri has been an automotive state.

The industry pumps billions of dollars into our economy, and supports nearly 26,000 Missouri jobs.

But as I stood here one year ago, those jobs were in peril.

There was real concern that Ford's Claycomo plant might be the latest casualty of the 20-year decline of the U.S. auto industry.

So last summer, I called the General Assembly into special session to strengthen Missouri's automotive industry.

We fought for every man and woman whose job was on the line.

And I'm proud to announce that working together, we won that fight.

Yesterday, I inked a deal with the Ford Motor Company that guarantees thousands of jobs, \$400 million of new capital investment, and a bright future for the Ford plant in Claycomo.

With us tonight to celebrate this partnership is Ford's director of strategic planning, Steve Lewis.

Steve, please stand up and say hello.

It sure feels nice to be at the wheel when the U.S. auto industry turns a corner.

Ford's commitment will help keep thousands of hard-working Missourians on the job at Claycomo, and at automotive suppliers in Hannibal, Nixa, Perryville, Joplin, Mexico – and every corner of our state.

And it's proof positive of what we already know: that the best darn workers in America are right here in the Show-Me State.

We've got some here with us tonight. Let's give them all a round of applause.

Missouri's workforce is one of our greatest assets.

And it's one of the reasons companies like Ford want to come to the Show-Me State, and stay in the Show-Me State.

But to be competitive, we constantly need to raise the level of our game.

As I listen to Missouri leaders in business, labor and education, I hear the same thing again and again: "We must make it easier for business to do business in Missouri."

They tell me that while we've made good use of our economic development tools to create jobs in the past, some of our incentives are outdated and need to be replaced.

Even the best tools need sharpening from time to time.

The feedback from our business experts is the foundation of my Compete Missouri jobs initiative. Compete Missouri is focused on providing smarter business incentives to drive job growth, and sharpening our competitive edge.

First, we will consolidate our six current business incentives, and roll them into one. To qualify for these incentives, companies will have to

provide good-paying jobs, and give their employees access to health care. For the first time, we'll give an extra bump to established Missouri companies, and offer added incentives to small business owners.

Second, we will roll our three worker training programs into one, and align it with our Compete Missouri incentives. Worker training assistance will be available to businesses as small as Ardent Outdoors, which employs 15 people in Macon, and as large as Boeing, which employs thousands.

Third, my budget for 2012 provides an additional \$5 million for job training. That will give employers more resources to maintain a highly skilled workforce, and sharpen their competitive edge.

That's good for business, good for our workers and great for our economy.

Every business in Missouri needs reliable, affordable energy to grow and prosper.

And every Missouri family needs reliable, affordable energy to heat and cool their homes.

In November, I announced a historic agreement that will transform the economy of our state – creating thousands of jobs and benefitting millions of Missouri consumers of electric power.

That agreement put the wheels in motion for the construction of a second, state-of-the-art nuclear power plant in Callaway County.

Missouri has some of the lowest electric rates in the nation. That's attractive to businesses and families. But as our energy needs grow, we need to be looking now for new sources of clean, abundant and affordable power.

Building a second nuclear plant will create thousands of good-paying jobs for all our construction trades: iron and sheet metal workers; carpenters and cement masons; boilermakers and bricklayers; plumbers and pipefitters; teamsters and laborers; electrical workers and operating engineers.

They built Callaway One. And they will build Callaway Two.

As we move ahead on Callaway Two, we must make sure that we protect the interests of Missouri ratepayers – and their pocketbooks. That is why my budget includes more funding for a strong office of public counsel.

Building the next generation of nuclear power plants. Advancing the frontiers of biotechnology. The 21st Century economy is knowledge-based, and the best jobs will belong to those with the best education.

Education is a lifelong journey that begins at birth.

That's why my budget for 2012 provides funding for programs to get our youngsters off to a good start, like First Steps, Head Start, and Early Childhood Special Education.

And we must continue to invest in young minds from the day our children enter their first classrooms, to the day they accept their diplomas.

So even in a difficult year, we will protect our investment in K-12 classrooms.

As you know, states received additional federal funds, to be allocated to school districts this year.

But in spite of receiving this money, some states are making cuts to their K-12 classrooms.

Not in Missouri.

In Missouri, we're partnering with our school districts to allow this money to be used to keep stable funding for our K-12 classrooms – not only for fiscal year 2011, but also for fiscal year 2012.

In the next ten years, Missouri student achievement must rank in the nation's top ten, if we expect to compete for the best jobs in the global economy.

How will we accomplish that?

Hard work, high standards and higher expectations.

It's an ambitious goal.

But as any parent or teacher will tell you, children will rise to meet our expectations.

And we must do more to help students make the leap from high school to college.

For too long, too many excellent Missouri high school students have been unable to get A+ scholarships – through no fault of their own – simply because their schools weren’t designated as A+ schools.

That’s just not fair.

Every good student in Missouri deserves the opportunity to go to college – whether they live in the urban core in St. Louis or Kansas City, or down a country road in the Bootheel.

I’m talking about students like Alicen Brown and Willie Love.

Alicen is a junior at Southwest High School in Kansas City.

She’s the president of the student body, a member of the district’s scholars committee and a peer mediator.

She gets good grades and has already taken courses that will count toward her college degree.

But Alicen can’t get an A+ scholarship because Southwest High has not been designated an A+ school.

That’s just not fair.

Willie Love is a senior at Carnahan High School in St. Louis.

He’s a scholar-athlete with honors in baseball, football and basketball.

He’s vice-president of a community service club at school, and works with youngsters at the Demetrius Johnson football camp.

Willie’s just the kind of young achiever that A+ scholarships are intended to help.

But because his school isn’t designated as an A+ school, he can’t even apply.

That’s just not fair.

Good students like Alicen and Willie deserve an equal opportunity to succeed – no matter what high school they attend.

I call on every member of the legislature to extend our A+ program so that outstanding students all across our state are guaranteed access to A+ college scholarships.

In recognition of their outstanding achievements, please welcome Alicen Brown and Willie Love.

My budget for 2012 also includes millions of dollars for Missouri’s most successful college scholarship programs, including:

Bright Flight, to help keep our top students at our excellent Missouri institutions;

Access Missouri, which serves students with the greatest financial need;

and A+, which has helped more than 50,000 students afford and attend college.

And to improve our students’ preparation for careers in science and technology, we’ll give a \$500 bonus to A+ and Access Missouri recipients who score well on Advanced Placement exams in math and science.

Because job prospects and lifetime earnings are tied directly to education, we’ve got to lift our aspirations for higher education as well.

Today, just 35 percent of Missouri adults hold college degrees.

We need to kick that number up to 60 percent if we want to compete for the best jobs in the new economy.

How?

By bringing the dream of a college education within reach for more Missouri families.

College affordability has been a top priority of mine since Day One.

So while tuition soared by double digits around the nation, Missouri schools kept tuition and fees flat for two years running. Even if some schools impose modest tuition increases next year, we’ll have protected Missouri families from the sharp tuition spikes seen in other states.

And the response has been overwhelming. College enrollment jumped by 10,000 students last year, hitting record highs at more than half of Missouri’s universities, and boosting applications at all of them.

That’s progress.

Creating jobs.

Balancing the budget without raising taxes.

Investing in our future.

Now let me tell you about what we're doing to make government smarter and more efficient.

- By merging the Highway Patrol and Water Patrol, we've kept the same number of troopers on our roads and waterways with less bureaucracy. Savings to taxpayers: \$3 million.
- We've sold government cars, cut mileage reimbursements and used technology to drastically reduce state travel. Savings to taxpayers: close to \$7 million in the next two years.
- We've gotten rid of unused office space, consolidated the state health and agriculture labs and renegotiated building leases. Savings to taxpayers: more than \$5 million.
- We've cut state energy bills by two percent, on top of last year's 5.6 percent. Savings to taxpayers: \$3 million.
- And we've reformed and modernized the state pension system, which will keep it solvent now, and for years to come.

But we must do more this year.

A bi-partisan tax credit commission spent four months reviewing Missouri's 61 tax credit programs. They looked at which credits are giving taxpayers a good return on their investment – and which are not.

I ask the members of the Legislature to allow this commission to present its recommendations at open hearings in the House and Senate.

We should give the commission's report serious and full consideration.

Because Missourians work hard for their money.

We owe it to taxpayers to make sure they get the best bang for their buck.

Creating jobs.

Balancing the budget without raising taxes.

Investing in the future.

Making government smarter and more efficient.

All of these things are essential to the well-being of our state.

But there are special moments when, touched by the better angels of our Nature, our work rises to meet a higher standard. At those moments, what we do here transforms lives.

January 1, 2011, was a landmark day for thousands of families across Missouri.

That was the day insurance companies had to start providing meaningful coverage for the diagnosis and treatment of children with autism.

Some day, when we look back at our shared history, at the battles won and lost in these chambers, this piece of legislation will be one of our landmarks, as well.

Last October, we took another bold step to help families caring for loved ones with other types of developmental disabilities, like Down Syndrome and cerebral palsy.

The Partnership for Hope is designed to keep families together, and improve their quality of life by providing support for their loved ones at home.

I'd like to introduce you to a young man sitting in the back gallery.

His name is Nick Ayers. He's 31 and lives in Lincoln County with his parents, Russell and Janet.

Nick has cerebral palsy. He can do a lot on his own, but he needs a hand preparing meals, managing personal business, and staying safe.

Janet and Russell want their son to live a full and happy life as an independent member of their community. But as they get older, they worry that keeping up with Nick will become a real challenge.

Like too many Missouri families, the Ayers had been on a waiting list for support services for years ... and years...and years. Today, we're providing those services for them, and hundreds more families – at home, at a fraction of the cost of institutional care.

Please join me in welcoming Nick, Janet and Russell Ayers, as representatives of Missouri's life-changing Partnership for Hope.

Last year, we passed historic DWI legislation with strong bipartisan support.

That new law is making our highways safer for everyone.

With us tonight are the superintendent of the Highway Patrol, Colonel Ron Replogle, and Sergeant Blaine Adams from Troop E in Poplar Bluff.

Sergeant Adams has made an amazing 1,060 DWI arrests – more than any other current member of the patrol.

1,060 DWI arrests.

Can you imagine how many lives this one Trooper has saved?

For its exceptional record of educating the public, and protecting Missourians from drunk drivers, the Patrol received the national 2010 Outstanding Law Enforcement Agency Award from Mothers Against Drunk Driving.

Colonel Replogle and Sergeant Adams, on behalf of all the men and women of the Highway Patrol, please stand and accept the gratitude of your state.

But we must do more to protect the health of our citizens.

This year, my budget will provide good nutrition for thousands of house-bound seniors who rely on home-delivered meals.

Our seniors also need help paying for their medicine.

We have a program to help low-income seniors and people with disabilities keep up with the skyrocketing costs of prescription drugs.

The Missouri Rx program is a lifeline for more than 200,000 Missourians every year.

But Missouri Rx is set to expire this summer.

We cannot let that happen.

My budget includes funds for the Missouri Rx program, but the Legislature must extend it.

Nobody should be forced to choose between paying for medicine and putting food on the table.

Nobody.

I urge the members of the General Assembly to reauthorize this vital program and send it to my desk.

There's another piece of the people's business that requires our attention: ethics reform.

The people of Missouri need to know that their elected representatives are working in the public interest – and not for personal gain.

Right now, anyone can write a check for any amount of money, and tip the balance of an election.

That is corrosive to our democracy.

We need to set strict limits on campaign contributions that are undermining the sovereignty of the people, and subverting the fundamental principle of free and fair elections.

We need meaningful ethics reform this year.

In the past year, I've visited businesses and schools, farms and factories, hospitals and veterans homes from Bethany to Bernie, and seen a lot of countryside in between.

One of the many things that make Missouri such a special place to live is our wonderful system of state parks. There's a quiet beauty to Missouri that weaves its own kind of magic.

That may explain why I've never lived anywhere else.

Never wanted to.

Like thousands of Missourians, I grew up hunting and fishing, hiking and canoeing with my Mom and Dad. Georganne and I have continued

that outdoor tradition with our family.

While visiting our state parks last year, Georganne and I saw Missouri's first State Parks Youth Corps in action.

At a time when it's been especially tough for young people to find jobs, the State Parks Youth Corps put money in the pockets of more than 1,000 young workers – at no cost to the state.

The National Association of State Park Directors gave our State Parks Youth Corps its top award for innovation in 2010. And I'm pleased to report that the Youth Corps will put hundreds more kids to work in our parks this summer.

Believe me, those young folks worked hard.

We saw them rebuilding stone walls at Roaring River, painting cabins at Montauk, and blazing trails at Cuivre River and Rock Bridge.

And while they were at it, they learned valuable life and work skills:

Show up on time;

Do your best;

and get the job done.

Working outside all summer long, they also gained a new respect and appreciation for Nature.

If you look up in the balcony, you'll see them in their green T-shirts.

Please welcome the members of Missouri's first State Parks Youth Corps.

This is a critical time for Missouri.

The shadows of the recession are lifting.

The bright rays of recovery are gathered on the horizon.

Now, more than ever, Missouri needs its leaders to focus on what is most important:

Creating jobs.

Making government smarter and more efficient.

Investing in strong communities;

And balancing the budget without raising taxes.

The people of Missouri want problem-solvers, not politicians.

The people of Missouri want results, not rhetoric.

Because as we've seen in Washington, when politicians cling to ideology, and kick common sense to the curb, when they focus on the party line and not the bottom line... nothing gets done.

Missouri is blessed with a long and strong tradition of bipartisanship.

And in Missouri, we get things done.

Why?

Because here in the heartland, we share common values and common goals.

We want the opportunity to work hard at work worth doing, whether it's building the next generation of fuel-efficient trucks, or growing better soybeans to feed a hungry world.

We want our children to get a first-rate education that prepares them to compete for the best jobs in the global economy.

We want safe, strong communities where neighbors help neighbors.

We want a vibrant and prosperous economy, where "Made in America" is still the gold standard – whether it's stamped on an F-150 or an F-15.

And we make them both, right here in the Show-Me State.

For as long as I've been a public servant — as a state senator, as attorney general and now, as your governor — my approach has been pretty

simple.

Bring folks together.

Hash things out.

Find solutions.

Now, we all know the folks in this room have differences of opinion.

And we all know we'll have some disagreements.

But it's worth remembering that we all serve the people of Missouri.

All of your constituents are my constituents... and the common good is our common goal.

I'd like to close tonight with the words of a native son.

He's been a strong and steadfast servant of the people, and a champion for Missouri commerce, education and agriculture for more than 40 years: Senator Christopher S. Bond.

Here's what Kit had to say last month, in his farewell address on the Senate floor:

"In a world today, where enemies are real ... it is important to remember there is a lot of real estate between a political opponent and a true enemy.

There will be issues where people of good conscience cannot come together.

But never let what cannot be done, interfere with what can be done."

In the days and weeks ahead, let us take those words to heart, and act on them in good faith.

Let us do what can be done... what must be done ... for the people of Missouri.

God bless Missouri.

God bless America.

Thank you, and good evening.

On motion of Senator Dempsey, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by President Pro Tem Mayer.

RESOLUTIONS

Senator Wasson offered Senate Resolution No. 70, regarding Connor Burton, Nixa, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 71, regarding Normandy School District Board of Education, which was adopted.

Senator Justus offered Senate Resolution No. 72, regarding Greenability Magazine of Kansas City, which was adopted.

COMMUNICATIONS

President Pro Tem Mayer submitted the following:

January 19, 2011

Ms. Terry Spieler
Secretary of the Senate
State Capitol
Jefferson City, MO 65101

Dear Ms. Spieler:

Please be advised that I am hereby appointing the "Select" Committee on Redistricting to consist of the following members:

Senator Scott Rupp, Chairman
 Senator Brad Lager, Vice-Chairman
 Senator David Pearce, Member
 Senator Jason Crowell, Member
 Senator Brian Munzlinger, Member
 Senator Jack Goodman, Member
 Senator Victor Callahan, Member
 Senator Robin Wright-Jones, Member

Please do not hesitate to contact me should you need any assistance.

Sincerely,
 /s/ Robert N. Mayer
 Robert N. Mayer
 President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Pearce introduced to the Senate, Darren Doherty, Warrensburg; and his grandmother, Eileen Miles, Belton.

Senator Wasson introduced to the Senate, the Physician of the Day, Dr. John Lilly, M.D., Willard.

Senator Richard introduced to the Senate, former State Representative, Steve Hobbs, Mexico.

Senator Mayer introduced to the Senate, Terry Reese, MSN, RN, FNP, BC, Poplar Bluff; and Advanced Practice Nurses from around the state.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

NINTH DAY—THURSDAY, JANUARY 20, 2011

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 51-Cunningham	SB 61-Keaveny
SB 52-Cunningham	SB 62-Schaaf
SB 53-Cunningham	SB 63-Mayer
SB 54-Cunningham	SB 64-Parson
SB 55-Brown	SB 65-Mayer, et al
SB 56-Rupp	SB 67-Cunningham
SB 57-Callahan	SB 68-Mayer
SB 58-Stouffer and Lembke	SB 69-Schaefer
SB 59-Keaveny	SB 70-Schaefer
SB 60-Keaveny	SB 71-Parson

SB 72-Kraus	SB 112-Kraus
SB 73-Kraus	SB 113-Parson and Engler
SB 74-Kraus	SB 114-Justus
SB 75-Kraus	SB 115-Justus
SB 76-Schaaf	SB 116-Justus
SB 77-Stouffer	SB 117-Engler
SB 78-Brown	SB 118-Stouffer
SB 79-Justus	SB 119-Schaefer
SB 80-Justus	SB 120-Stouffer
SB 81-Pearce	SB 121-Stouffer
SB 82-Pearce	SB 122-Schaaf
SB 83-Pearce	SB 123-Keaveny
SB 84-Wright-Jones	SB 124-Keaveny
SB 85-Lembke	SB 125-Keaveny
SB 86-Lembke	SB 126-Wasson
SB 87-Parson	SB 127-Chappelle-Nadal
SB 88-Schaaf	SB 128-Lembke
SB 89-Lembke	SB 129-Lembke
SB 90-Dempsey	SB 130-Rupp
SB 91-Engler	SB 131-Rupp
SB 92-Schaaf	SB 132-Rupp and Kehoe
SB 93-Kraus	SB 133-Rupp
SB 94-Munzlinger	SB 134-Rupp
SB 95-Munzlinger	SB 135-Schaefer
SB 96-Engler	SB 136-Schaaf
SB 97-Engler	SB 137-Brown
SB 98-Schaaf	SB 138-Keaveny
SB 99-Chappelle-Nadal	SB 139-Crowell
SB 100-Stouffer	SB 140-Crowell
SB 101-Parson	SB 141-Crowell
SB 102-Green	SB 142-Crowell
SB 103-Green	SB 143-Crowell
SB 104-Green	SB 144-Crowell
SB 105-Green	SB 145-Dempsey
SB 106-Green	SB 146-Schmitt
SB 107-Green	SJR 1-Ridgeway
SB 108-Schmitt, et al	SJR 2-Stouffer
SB 109-Crowell	SJR 3-Goodman
SB 110-Crowell	SJR 5-Chappelle-Nadal
SB 111-Schaaf	SJR 6-Chappelle-Nadal

SJR 7-Lembke
SJR 8-Kraus
SJR 9-Engler

SJR 10-Lembke and Green
SJR 11-Munzlinger
SJR 12-Green

INFORMAL CALENDAR

RESOLUTIONS

Reported from Committee

SCR 1-Ridgeway

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Journal of the Senate

FIRST REGULAR SESSION

NINTH DAY—THURSDAY, JANUARY 20, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“As we have therefor opportunity, let us do good unto all men.” (Galatians 6:10)

Almighty God, show us where to best express our concerns and kindness that we might be instruments of service and help to those You have called us to serve and have placed in our lives. Guide us this day so that we might make the best use of our time and ride with us as we travel back to those we love bringing us safely home. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Dempsey	Dixon	Engler	Goodman
Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lembke	Mayer
McKenna	Munzlinger	Nieves	Parson	Pearce	Richard	Ridgeway	Rupp
Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—30		

Absent—Senators—None

Absent with leave—Senators

Cunningham Lamping Purgason—3

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

On behalf of Senator Lamping, Senator Dempsey offered Senate Resolution No. 73, regarding Joe's Place, Maplewood, which was adopted.

On behalf of Senator Lamping, Senator Dempsey offered Senate Resolution No. 74, regarding the Thirty-fifth Anniversary of the Maryland Heights Chamber of Commerce, which was adopted.

On behalf of Senator Lamping, Senator Dempsey offered Senate Resolution No. 75, regarding the One Hundred Twenty-fifth Anniversary of the Saint Louis Artists Guild, Clayton, which was adopted.

Senator Kehoe offered Senate Resolution No. 76, regarding B.K. Bakery, Jefferson City, which was adopted.

Senator Kehoe offered Senate Resolution No. 77, regarding Joseph Miller, Jefferson City, which was adopted.

Senator Kehoe offered Senate Resolution No. 78, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Paul Mosher, Eldon, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 79, regarding BAM Contracting, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 80, regarding the American Heart Association Midwest Affiliate, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 147—By Schaefer.

An Act to repeal section 160.522, RSMo, and to enact in lieu thereof one new section relating to gifted education.

SB 148—By Schaefer.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to insurance reimbursement for physical therapist services.

SB 149—By Schaaf.

An Act to amend chapter 491, RSMo, by adding thereto one new section relating to expert witnesses.

SB 150—By Munzlinger.

An Act to amend chapter 252, RSMo, by adding thereto one new section relating to hand fishing, with penalty provisions.

SB 151—By Callahan and Stouffer.

An Act to repeal section 537.620, RSMo, and to enact in lieu thereof one new section relating to the acquisition of insurance coverage by certain political subdivision syndicates without the need for soliciting

competitive bids.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
January 18, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Sara Parker Pauley as the Director of the Department of Natural Resources, submitted to you on January 5, 2011. Line 1 should be amended to read:

Sara Parker Pauley, 5701 East Claysville Road, Hartsburg, Boone County Missouri,

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
January 18, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Betty Marver to the Child Abuse and Neglect Review Board, submitted to you on January 5, 2011. Line 1 should be amended to read:

Betty Marver, 4100 Forest Park #311, Saint Louis City, Missouri 63108,

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Mayer referred the following addendums to the Committee on Gubernatorial Appointments.

Senator Pearce assumed the Chair.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 51—General Laws.

SB 52—Ways and Means and Fiscal Oversight.

SB 53—Commerce, Consumer Protection, Energy and the Environment.

SB 54—Education.

SB 55—Agriculture, Food Production and Outdoor Resources.

SB 56—Health, Mental Health, Seniors and Families.

SB 57—Judiciary and Civil and Criminal Jurisprudence.

- SB 58**—Transportation.
- SB 59**—Judiciary and Civil and Criminal Jurisprudence.
- SB 60**—Judiciary and Civil and Criminal Jurisprudence.
- SB 61**—Financial and Governmental Organizations and Elections.
- SB 62**—Health, Mental Health, Seniors and Families.
- SB 63**—Agriculture, Food Production and Outdoor Resources.
- SB 64**—Commerce, Consumer Protection, Energy and the Environment.
- SB 65**—General Laws.
- SB 67**—General Laws.
- SB 68**—Governmental Accountability.
- SB 69**—Judiciary and Civil and Criminal Jurisprudence.
- SB 70**—Judiciary and Civil and Criminal Jurisprudence.
- SB 71**—Financial and Governmental Organizations and Elections.
- SB 72**—Governmental Accountability.
- SB 73**—Jobs, Economic Development and Local Government.
- SB 74**—Health, Mental Health, Seniors and Families.
- SB 75**—Rules, Joint Rules, Resolutions and Ethics.
- SB 76**—Health, Mental Health, Seniors and Families.
- SB 77**—Transportation.
- SB 78**—Veterans’ Affairs, Emerging Issues, Pensions and Urban Affairs.
- SB 79**—Jobs, Economic Development and Local Government.
- SB 80**—Health, Mental Health, Seniors and Families.
- SB 81**—Education.
- SB 82**—Governmental Accountability.
- SB 83**—Financial and Governmental Organizations and Elections.
- SB 84**—Financial and Governmental Organizations and Elections.
- SB 85**—Judiciary and Civil and Criminal Jurisprudence.
- SB 86**—Health, Mental Health, Seniors and Families.
- SB 87**—Judiciary and Civil and Criminal Jurisprudence.
- SB 88**—Governmental Accountability.
- SB 89**—Judiciary and Civil and Criminal Jurisprudence.
- SB 90**—Health, Mental Health, Seniors and Families.

- SB 91**—Veterans’ Affairs, Emerging Issues, Pensions and Urban Affairs.
- SB 92**—Small Business, Insurance and Industry.
- SB 93**—Commerce, Consumer Protection, Energy and the Environment.
- SB 94**—Jobs, Economic Development and Local Government.
- SB 95**—Agriculture, Food Production and Outdoor Resources.
- SB 96**—Governmental Accountability.
- SB 97**—Governmental Accountability.
- SB 98**—Small Business, Insurance and Industry.
- SB 99**—Education.
- SB 100**—Ways and Means and Fiscal Oversight.
- SB 101**—Commerce, Consumer Protection, Energy and the Environment.
- SB 102**—Commerce, Consumer Protection, Energy and the Environment.
- SB 103**—Commerce, Consumer Protection, Energy and the Environment.
- SB 104**—Commerce, Consumer Protection, Energy and the Environment.
- SB 105**—Financial and Governmental Organizations and Elections.
- SB 106**—Transportation.
- SB 107**—Transportation.
- SB 108**—Jobs, Economic Development and Local Government.
- SB 109**—General Laws.
- SB 110**—Small Business, Insurance and Industry.
- SB 111**—Health, Mental Health, Seniors and Families.
- SB 112**—Judiciary and Civil and Criminal Jurisprudence.
- SB 113**—Agriculture, Food Production and Outdoor Resources.
- SB 114**—Education.
- SB 115**—Veterans’ Affairs, Emerging Issues, Pensions and Urban Affairs.
- SB 116**—Judiciary and Civil and Criminal Jurisprudence.
- SB 117**—Ways and Means and Fiscal Oversight.
- SB 118**—Health, Mental Health, Seniors and Families.
- SB 119**—Agriculture, Food Production and Outdoor Resources.
- SB 120**—Transportation.
- SB 121**—Veterans’ Affairs, Emerging Issues, Pensions and Urban Affairs.
- SB 122**—Health, Mental Health, Seniors and Families.

SB 123—Education.

SB 124—Education.

SB 125—Financial and Governmental Organizations and Elections.

SJR 1—Ways and Means and Fiscal Oversight.

SJR 2—Financial and Governmental Organizations and Elections.

SJR 3—Judiciary and Civil and Criminal Jurisprudence.

SJR 5—Transportation.

SJR 6—Jobs, Economic Development and Local Government.

SJR 7—General Laws.

SJR 8—Ways and Means and Fiscal Oversight.

SJR 9—Financial and Governmental Organizations and Elections.

SJR 10—Governmental Accountability.

SJR 11—Agriculture, Food Production and Outdoor Resources.

SJR 12—Financial and Governmental Organizations and Elections.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and ordered printed:

SB 152—By Crowell.

An Act to repeal sections 86.252, 86.255, 86.256, 86.294, and 86.354, RSMo, and to enact in lieu thereof six new sections relating to the police retirement system of St. Louis.

On motion of Senator Dempsey, the Senate adjourned until 4:00 p.m., Monday, January 24, 2011.

SENATE CALENDAR

TENTH DAY—MONDAY, JANUARY 24, 2011

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 126-Wasson
 SB 127-Chappelle-Nadal
 SB 128-Lembke
 SB 129-Lembke
 SB 130-Rupp
 SB 131-Rupp

SB 132-Rupp and Kehoe
 SB 133-Rupp
 SB 134-Rupp
 SB 135-Schaefer
 SB 136-Schaaf
 SB 137-Brown

SB 138-Keaveny
SB 139-Crowell
SB 140-Crowell
SB 141-Crowell
SB 142-Crowell
SB 143-Crowell
SB 144-Crowell
SB 145-Dempsey

SB 146-Schmitt
SB 147-Schaefer
SB 148-Schaefer
SB 149-Schaaf
SB 150-Munzlinger
SB 151-Callahan and Stouffer
SB 152-Crowell

INFORMAL CALENDAR

RESOLUTIONS

Reported from Committee

SCR 1-Ridgeway

✓

Journal of the Senate

FIRST REGULAR SESSION

TENTH DAY—MONDAY, JANUARY 24, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“This is the victory that conquers the world - our faith.” (1 John 5:15)

Lord God, help us have faith in the future for it will give us power to deal effectively with the present. Help us to rely on Your promptings for they will help us make good decisions this day. And help us understand our worth and that of those we serve for we matter to You O God. So bless us and watch over us this day we ask, and in Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 20, 2011 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson—32

Absent—Senators—None

Absent with leave—Senator Wright-Jones—1

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Engler offered Senate Resolution No. 81, regarding Betty F. Schaper, Farmington, which was adopted.

Senator Ridgeway offered Senate Resolution No. 82, regarding the death of Mark Revenaugh, which was adopted.

Senator Nieves offered Senate Resolution No. 83, regarding Tech Manufacturing, LLC, Wright City, which was adopted.

Senator Stouffer offered Senate Resolution No. 84, regarding William J. Simmons, Boonville, which was adopted.

Senator Kehoe offered Senate Resolution No. 85, regarding Ronald R. Klatt, Russellville, which was adopted.

Senator Kehoe offered Senate Resolution No. 86, regarding Carol Jean Harrison, Henley, which was adopted.

Senator Cunningham offered Senate Resolution No. 87, regarding the city of Chesterfield, which was adopted.

Senator Kehoe offered Senate Resolution No. 88, regarding Frederick N. Marsh, Eugene, which was adopted.

Senator Brown offered Senate Resolution No. 89, regarding Meramec Electrical Products Company, Cuba, which was adopted.

Senator Brown offered Senate Resolution No. 90, regarding Forest City Footwear, St. James, which was adopted.

Senator Nieves offered Senate Resolution No. 91, regarding Jeremy Broadbooks, Wildwood, which was adopted.

Senator Ridgeway offered Senate Resolution No. 92, regarding Dick Holwick, Kansas City, which was adopted.

Senator Brown offered Senate Resolution No. 93, regarding Ray Cordry, Waynesville, which was adopted.

Senator Pearce offered Senate Resolution No. 94, regarding the Bates County Historical Society, which was adopted.

Senator Pearce offered Senate Resolution No. 95, regarding the University of Central Missouri, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 96, regarding Chilhowee Grocery, Chilhowee, which was adopted.

Senator Dixon offered Senate Resolution No. 97, regarding The Taylor-Martin Family of Companies, Springfield, which was adopted.

Senator Dixon offered Senate Resolution No. 98, regarding the Missouri State University handball sports program, Springfield, which was adopted.

Senator Dixon offered Senate Resolution No. 99, regarding Julie Bloodworth, Springfield, which was adopted.

Senator Dixon offered Senate Resolution No. 100, regarding Lisa Rose, Springfield, which was adopted.

Senator Wasson offered Senate Resolution No. 101, regarding Greenwood Engineering and Manufacturing, LLC, Strafford, which was adopted.

Senator Crowell offered Senate Resolution No. 102, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Howard “Butch” Boyd, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 103, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. R. Wayne Nesslein, Cape Girardeau, which was adopted.

Senator Goodman offered Senate Resolution No. 104, regarding Joseph Pingleton, Branson, which was adopted.

Senator Goodman offered Senate Resolution No. 105, regarding Jeremiah Goldberg, Branson, which was adopted.

Senator McKenna offered Senate Resolution No. 106, regarding MidAmerica Solar, LLC, Imperial, which was adopted.

Senator Nieves offered Senate Resolution No. 107, regarding Adam J. Rhoads, Warrenton, which was adopted.

Senator Munzlinger offered Senate Resolution No. 108, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Leslie Fowler, Unionville, which was adopted.

Senator Crowell offered Senate Resolution No. 109, regarding the Sixty-first Wedding Anniversary of Mr. and Mrs. Roy Lee Glass, Jackson, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 153—By Schaaf.

An Act to amend chapter 376.475, RSMo, by adding thereto one new section relating to transparency in the health care market, with penalty provisions.

SB 154—By Schaaf.

An Act to repeal section 70.660, RSMo, and to enact in lieu thereof one new section relating to the Missouri local government employees' retirement system.

SB 155—By Rupp.

An Act to repeal sections 99.820 and 99.825, RSMo, and to enact in lieu thereof two new sections relating to tax increment financing.

SB 156—By Rupp.

An Act to repeal sections 566.032, 566.034, 566.062, and 566.064, RSMo, and to enact in lieu thereof

four new sections relating to suspended sentences for certain crimes, with penalty provisions in existing language.

SB 157—By Schaefer.

An Act to repeal section 568.060, RSMo, and to enact in lieu thereof one new section relating to child abuse, with existing penalty provisions.

SB 158—By Keaveny.

An Act to repeal sections 644.036 and 644.054, RSMo, and to enact in lieu thereof two new sections relating to clean water permit fees, with an emergency clause.

SB 159—By Cunningham.

An Act to repeal sections 430.020 and 430.082, RSMo, and to enact in lieu thereof two new sections relating to statutory liens against personalty.

SB 160—By Cunningham.

An Act to repeal section 311.297, RSMo, and to enact in lieu thereof one new section relating to the tasting of liquor.

SB 161—By Munzlinger.

An Act to repeal sections 348.400, 348.407, and 348.412, RSMo, and to enact in lieu thereof three new sections relating to business development loans for agribusinesses.

SB 162—By Munzlinger.

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to the farm-to-table advisory board, with an expiration date for a certain section.

SJR 13—By Justus.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 50 and 52(a) of article III of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to petitions for referenda and initiatives.

REPORTS OF STANDING COMMITTEES

Senator Mayer, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Deborah J. Smith, Democrat, as a member of the Missouri Western State University Board of Governors;

Also,

Jacklyn J. Crow, as a member of the Board of Cosmetology and Barber Examiners;

Also,

Michael Hall, as a member of the Advisory Committee for 911 Service Oversight;

Also,

Willis Jackson Magruder, Democrat, as a member of the State Fair Commission;

Also,

Darren M. Doherty, as the student representative of the University of Central Missouri Board of Governors;

Also,

Leonard Toenjes, as a member of the State Board of Mediation;

Also,

Casey Cash Gill, Democrat, as a member of the Missouri Real Estate Appraisers Commission;

Also,

Brandy Mouser, as a member of the Board of Therapeutic Massage;

Also,

Janette Call, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists;

Also,

Jeanne M. Serra, as a member of the Missouri Quality Home Care Council;

Also,

James J. McMillen, as a member of the MO HealthNet Oversight Committee;

Also,

Todd Streff and Jennifer Kirby, as members of the Behavior Analyst Advisory Board;

Also,

Vergil L. Belfi, as a member of the Board of Boiler and Pressure Vessel Rules;

Also,

Tracy M. Reed, as a member of the Missouri Genetic Advisory Committee.

Senator Mayer requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Mayer moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 45**, entitled:

An Act to repeal section 1.310, RSMo, and to enact in lieu thereof two new sections relating to small businesses.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
January 21, 2011

To the Senate of the 96th General Assembly for the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Robert Culler, 205 South Moore, Hayti, Pemiscot County, Missouri 63851, as a member of the Missouri Agricultural and Small Business Development Authority, for a term ending June 30, 2014; vice, Gordon Spilker, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
January 21, 2011

To the Senate of the 96th General Assembly for the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michael Marlo, 718 Winding Creek Drive, Wentzville, Saint Charles County, Missouri 63385, as a member of the Missouri Fire Safety Advisory Board, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Gregory Pottberg.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
January 21, 2011

To the Senate of the 96th General Assembly for the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Deborah Polc, 4203 South Kerrington Drive, Independence, Jackson County, Missouri 64055, as a member of the Missouri Dental Board, for a term ending January 10, 2014; vice, Patricia Lepp, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 21, 2011

To the Senate of the 96th General Assembly for the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Sara Zorich, 3301 South Elizabeth Avenue, Independence, Jackson County, Missouri 64057, as a member of the Jackson County Board of Election Commissioners, for a term ending April 4, 2014; vice, William Baker, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 21, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Colleen Scott for the Jackson County Election Board submitted to you on January 5, 2011. Line 2 should read:

County, Missouri 64086, as a member and Secretary of the Jackson County Board of

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Mayer referred the above appointments and addendum to the Committee on Gubernatorial Appointments.

CONCURRENT RESOLUTIONS

Senator Ridgeway moved that **SCR 1** be taken up for 3rd reading and final passage, which motion prevailed.

SCR 1, entitled:

SENATE CONCURRENT RESOLUTION NO. 1

Relating to disapproval under Article IV, Section 8 of the Missouri Constitution the final order of rulemaking for the proposed amendment to 4 CSR 240-20.100(2)(A) and 4 CSR 240-20.100(2)(B)2 regarding the Electric Utility Renewable Energy Standard Requirements.

Was taken up.

On motion of Senator Ridgeway, **SCR 1** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Engler	Goodman
Green	Kehoe	Kraus	Lager	Lamping	Lembke	Mayer	McKenna
Munzlinger	Nieves	Parson	Pearce	Purgason	Richard	Ridgeway	Rupp
Schaaf	Schaefer	Schmitt	Stouffer	Wasson—29			

NAYS—Senators

Justus Keaveny—2

Absent—Senators—None

Absent with leave—Senators

Crowell Wright-Jones—2

Vacancies—1

The President declared the bill passed.

On motion of Senator Ridgeway, title to the bill was agreed to.

Senator Ridgeway moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

INTRODUCTIONS OF GUESTS

Senator Schaaf introduced to the Senate, Neil Jackson, Jefferson City.

Senator Mayer introduced to the Senate, Brad Miller, Springfield.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

ELEVENTH DAY—TUESDAY, JANUARY 25, 2011

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 126-Wasson
SB 127-Chappelle-Nadal
SB 128-Lembke
SB 129-Lembke
SB 130-Rupp
SB 131-Rupp
SB 132-Rupp and Kehoe
SB 133-Rupp
SB 134-Rupp
SB 135-Schaefer

SB 136-Schaaf
SB 137-Brown
SB 138-Keaveny
SB 139-Crowell
SB 140-Crowell
SB 141-Crowell
SB 142-Crowell
SB 143-Crowell
SB 144-Crowell
SB 145-Dempsey

SB 146-Schmitt	SB 155-Rupp
SB 147-Schaefer	SB 156-Rupp
SB 148-Schaefer	SB 157-Schaefer
SB 149-Schaaf	SB 158-Keaveny
SB 150-Munzlinger	SB 159-Cunningham
SB 151-Callahan and Stouffer	SB 160-Cunningham
SB 152-Crowell	SB 161-Munzlinger
SB 153-Schaaf	SB 162-Munzlinger
SB 154-Schaaf	SJR 13-Justus

HOUSE BILLS ON SECOND READING

HCS for HB 45

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Journal of the Senate

FIRST REGULAR SESSION

ELEVENTH DAY—TUESDAY, JANUARY 25, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“...if you indeed cry out for insight and raise your voice for understanding, then you will understand righteousness and justice and equity, every good path.” (Proverbs 2:3, 9)

Heavenly Father, we recognize how in Your presence we are given the opportunity to help those who are in serious need in our state. We recognize the limited resources available and how we must set priorities on how we make use of them. Let us be open to all Your prompting in whom You place Your teaching and help us see what we must do. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 110, regarding Meaghann Maggert, Concordia, which was adopted.

Senator Stouffer offered Senate Resolution No. 111, regarding Darion Austell, Saint Louis, which was adopted.

Senator Stouffer offered Senate Resolution No. 112, regarding Abigail Thomas, Renick, which was adopted.

Senator Stouffer offered Senate Resolution No. 113, regarding Shawna Scott, Jefferson City, which was adopted.

Senator Stouffer offered Senate Resolution No. 114, regarding Lorna Dreyer, Warrenton, which was adopted.

Senator Stouffer offered Senate Resolution No. 115, regarding Imani Bennett, Saint Louis, which was adopted.

Senator Stouffer offered Senate Resolution No. 116, regarding Trent Ludwig, Linn, which was adopted.

Senator Stouffer offered Senate Resolution No. 117, regarding Jeff Durbin, Monroe City, which was adopted.

Senator Stouffer offered Senate Resolution No. 118, regarding Jessica Lehman, Peculiar, which was adopted.

Senator Stouffer offered Senate Resolution No. 119, regarding Brittany Dodd, Rolla, which was adopted.

Senator Stouffer offered Senate Resolution No. 120, regarding Lauren Crudup, Belton, which was adopted.

Senator Stouffer offered Senate Resolution No. 121, regarding Taylor Bryant, Auxvasse, which was adopted.

Senator Crowell offered Senate Resolution No. 122, regarding Fredericktown R-I School District, which was adopted.

Senator Crowell offered Senate Resolution No. 123, regarding Calvary Temple Church, which was adopted.

Senator Crowell offered Senate Resolution No. 124, regarding the Fredericktown Fire Department, which was adopted.

Senator Kehoe offered the following resolution:

SENATE RESOLUTION NO. 125

WHEREAS, the General Assembly fully recognizes the importance of preparing our youth to become active and productive citizens through worthwhile governmental or citizenship projects; and

WHEREAS, the General Assembly has a long tradition of rendering assistance to those organizations who sponsor these projects in the interest of our young people; and

WHEREAS, one clear example of such an organization is the Missouri YMCA, which has become widely recognized for its sponsorship of the Youth in Government program; and

WHEREAS, the Missouri YMCA Youth in Government program provides its participants with a unique insight into the day to day operation of our state government;

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate that the Missouri YMCA be hereby granted permission to use the Senate Chamber and Hearing rooms for the purposes of its State Convention on November 10, 2011 through November 12, 2011 and December 1, 2011 through December 3, 2011.

Senator Kehoe requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 125** up for adoption, which request was granted.

On motion of Senator Kehoe, **SR 125** was adopted.

Senator Kehoe offered the following resolution:

SENATE RESOLUTION NO. 126

WHEREAS, the Missouri Senate recognizes the importance of empowering citizens to actively participate in the democratic process; and

WHEREAS, the Senate has a long tradition of rendering assistance to those organizations which sponsor projects in the interest of good citizenship; and

WHEREAS, the Missouri Catholic Conference has as its purposes to promote the material and spiritual well being of all the people of the state of Missouri and to participate in the democratic process of government:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-sixth General Assembly, that the Missouri Catholic Conference be hereby granted permission to use the Senate Chamber and the Senate Hearing Rooms from 7:00 a.m. to 5:00 p.m. on Saturday, October 1, 2011, for the purpose of a citizens assembly and workshops.

Senator Kehoe requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 126** up for adoption, which request was granted.

On motion of Senator Kehoe, **SR 126** was adopted.

Senator Kehoe offered the following resolution:

SENATE RESOLUTION NO. 127

WHEREAS, the General Assembly of the State of Missouri has a long tradition of rendering assistance to worthwhile youth activities, especially those related to governmental or citizenship projects; and

WHEREAS, the Jefferson City Downtown Rotary Club has sought to instill values of high integrity within our youth and to provide an opportunity for Missouri students to experience state government firsthand; and

WHEREAS, the General Assembly has maintained a policy of granting such organizations permission to use the Senate and House Chambers for beneficial purposes; and

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-sixth General Assembly hereby grant the Jefferson City Rotary Club permission to use the Senate Chamber for the purpose of conducting Student Government Day on the morning of Monday, March 21, 2011.

Senator Kehoe requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 127** up for adoption, which request was granted.

On motion of Senator Kehoe, **SR 127** was adopted.

Senator Crowell offered Senate Resolution No. 128, regarding Jonathan James “Jonny” Deneke, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 129, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Gerald Keller, Cape Girardeau, which was adopted.

CONCURRENT RESOLUTIONS

Senator Justus offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 5

Relating to the ratification of the Equal Rights Amendment to the United States Constitution.

WHEREAS, three years after women won the right to vote, the Equal Rights Amendment to the United States Constitution, authored by Alice Paul, head of the National Women's Party, was introduced in Congress by Senator Curtis and Representative Anthony, both Republicans; and

WHEREAS, the Equal Rights Amendment to the United States Constitution passed the United States Senate and then the United States House of Representatives, and on March 22, 1972, the proposed Amendment to the United States Constitution was sent to the states for ratification; and

WHEREAS, the Equal Rights Amendment to the United States Constitution states:

“Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Section 3. This amendment shall take effect two years after the date of ratification.”; and

WHEREAS, Congress placed a deadline of June 30, 1982, on the ratification process and thirty-five states ratified the proposed Amendment before the deadline; and

WHEREAS, Congress may not have the constitutional authority to place a deadline on the ratification process; and

WHEREAS, Article V of the United States Constitution allows the General Assembly of the State of Missouri to ratify this proposed Amendment to the Constitution of the United States; and

WHEREAS, the General Assembly of the State of Missouri finds that the proposed Amendment is meaningful and needed as part of the United States Constitution and that the present political, social and economic conditions are the same as or are even more demanding today than they were when the proposed Amendment was first submitted for adoption:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-sixth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby ratify the Equal Rights Amendment to the United States Constitution; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Archivist of the United States, Washington, D.C.; the Vice President of the United States; the Speaker of the United States House of Representatives; and each member of the Missouri Congressional Delegation with request that it be printed in the Congressional Record.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 163—By Pearce.

An Act to repeal sections 172.030 and 174.450, RSMo, and to enact in lieu thereof two new sections relating to higher education governing boards.

SB 164—By Pearce.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to science, technology, engineering, and mathematics education.

SB 165—By Goodman.

An Act to repeal section 477.650, RSMo, and to enact in lieu thereof one new section relating to the basic civil legal services fund.

SB 166–By Goodman.

An Act to repeal section 381.115, RSMo, and to enact in lieu thereof one new section relating to the licensure of title agencies and title agents.

SB 167–By Goodman.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special event motor vehicle auction licenses, with penalty provisions.

SB 168–By Crowell.

An Act to repeal section 478.711, RSMo, and to enact in lieu thereof one new section relating to the circuit court of Cape Girardeau County.

SB 169–By Crowell.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to illegal drug use of applicants and recipients of temporary assistance for needy families benefits.

SB 170–By Crowell.

An Act to repeal section 105.661, RSMo, and to enact in lieu thereof one new section relating to public employee retirement.

SB 171–By Crowell.

An Act to repeal sections 217.750, 559.600, 559.602, and 559.604, RSMo, and to enact in lieu thereof four new sections relating to private probation services.

SB 172–By Crowell.

An Act to repeal sections 105.711, 105.716, and 105.726, RSMo, and to enact in lieu thereof three new sections relating to the state legal expense fund.

SB 173–By Dixon and Kehoe.

An Act to repeal section 21.920, RSMo, and to enact in lieu thereof one new section relating to the joint committee on Missouri's promise.

SB 174–By Dempsey.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to the imposition of fees for the repair of water service lines in certain municipalities.

INTRODUCTIONS OF GUESTS

Senator Kehoe introduced to the Senate, Jerry Gladden and Karrie and Karissa Sandfort, New Bloomfield; Joetta and Abrianna York, Lincoln County; Barbra Muellenbach and Pastan Gladden, Jefferson City; and Zachary York, John Hunter, Traci Sinn, Daesha Sinn and James Nelson; and Abrianna, Pastan and Karissa were made honorary pages.

Senator Lamping introduced to the Senate, the Physician of the Day, Dr. Brian McKenna, M.D. St. Louis.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

TWELFTH DAY—WEDNESDAY, JANUARY 26, 2011

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 126-Wasson	SB 151-Callahan and Stouffer
SB 127-Chappelle-Nadal	SB 152-Crowell
SB 128-Lembke	SB 153-Schaaf
SB 129-Lembke	SB 154-Schaaf
SB 130-Rupp	SB 155-Rupp
SB 131-Rupp	SB 156-Rupp
SB 132-Rupp and Kehoe	SB 157-Schaefer
SB 133-Rupp	SB 158-Keaveny
SB 134-Rupp	SB 159-Cunningham
SB 135-Schaefer	SB 160-Cunningham
SB 136-Schaaf	SB 161-Munzlinger
SB 137-Brown	SB 162-Munzlinger
SB 138-Keaveny	SB 163-Pearce
SB 139-Crowell	SB 164-Pearce
SB 140-Crowell	SB 165-Goodman
SB 141-Crowell	SB 166-Goodman
SB 142-Crowell	SB 167-Goodman
SB 143-Crowell	SB 168-Crowell
SB 144-Crowell	SB 169-Crowell
SB 145-Dempsey	SB 170-Crowell
SB 146-Schmitt	SB 171-Crowell
SB 147-Schaefer	SB 172-Crowell
SB 148-Schaefer	SB 173-Dixon and Kehoe
SB 149-Schaaf	SB 174-Dempsey
SB 150-Munzlinger	SJR 13-Justus

HOUSE BILLS ON SECOND READING

HCS for HB 45

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

SCR 5-Justus

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Journal of the Senate

FIRST REGULAR SESSION

TWELFTH DAY—WEDNESDAY, JANUARY 26, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“You know the value of prayer: it is precious beyond all price. Never, never neglect it.” (Sir Thomas Buxton)

Gracious God, we know our need of prayer and yet we often don’t take time to enter into serious conversation with You. Help us to see that all in which we are engaged, prayer can be a plumb line to keep us centered in You. Help us to see that prayer can make us attentive and more receptive to what is happening about us and how best to respond to them. Lord, help us to pray. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Kraus offered Senate Resolution No. 130, regarding Eric Michael Eschmann, which was adopted.

Senator Kraus offered Senate Resolution No. 131, regarding Kevin Matthew Curdy, Lee's Summit, which was adopted.

Senator Munzlinger offered Senate Resolution No. 132, regarding the One Hundredth Birthday of Evafae Jeffries, Downing, which was adopted.

Senator Goodman offered Senate Resolution No. 133, regarding Jolene Garoutte, Monett, which was adopted.

Senator Goodman offered Senate Resolution No. 134, regarding Ron Creek, Eagle Rock, which was adopted.

Senator Kraus offered Senate Resolution No. 135, regarding the Sixtieth Anniversary of the Missouri City Clerks and Finance Officers Association, which was adopted.

Senator Richard offered Senate Resolution No. 136, regarding the Fiftieth Anniversary of the Good Shepherd Nursing Home, Lockwood, which was adopted.

Senator McKenna offered Senate Resolution No. 137, regarding Richard J. King, Hillsboro, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 138, regarding Mrs. Theresa Ferguson, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 139, regarding Minds Eye Information Service, Belleville, Illinois, which was adopted.

Senator Parson offered Senate Resolution No. 140, regarding Barbara Cooney, Sedalia, which was adopted.

CONCURRENT RESOLUTIONS

Senator Munzlinger offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 6

WHEREAS, U.S. and Missouri agriculture has an impressive track record of successfully addressing the economic and market-based issues associated with coexistence, whether via neighbor-to-neighbor or through state seed certifying agencies or other local, state or regional initiatives; and

WHEREAS, the U.S. Department of Agriculture has indicated that it may deregulate genetically-engineered alfalfa with certain conditions in an effort to protect organic growers' claims of potential harm. The American Farm Bureau and several other grower-based organizations strongly believe that such a conditional deregulation is not science-based, and would restrict or even eliminate the use of a valuable tool from growers in many parts of this country; and

WHEREAS, in the field of agricultural biotechnology, Missouri growers have worked closely with the seed industry to meet their respective stewardship obligations through contractual arrangements and other mechanisms, which is where matters of coexistence and stewardship are addressed most effectively and efficiently; and

WHEREAS, the National Alfalfa and Forage Alliance developed its Best Management Practices for Roundup Ready Alfalfa seed production in 2008 and has taken the lead in providing coexistence documents for alfalfa hay export markets, alfalfa seed export markets, and organic alfalfa seed and hay markets; and

WHEREAS, issues of coexistence are always best dealt with farmer-to-farmer, and any proposals to change federal policy on agricultural biotechnology regulation must be done through a thoughtful dialogue inclusive of all U.S. government agencies:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-sixth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the U.S. Secretary of Agriculture and the U.S. Department of Agriculture to make regulatory decisions based on sound science and to deregulate genetically-engineered alfalfa without any conditions as soon as possible to enable alfalfa farmers in Missouri and other states to have access to genetically-engineered alfalfa seeds in time for the spring planting season; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution to the U.S. Secretary of Agriculture, each member of the Missouri Congressional delegation, and the director of the Missouri Department of Agriculture.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 175—By Munzlinger, Nieves, Lager, Richard and Ridgeway.

An Act to repeal sections 34.203, 34.206, 34.209, 34.212, 34.216, and 34.217, RSMo, and to enact in lieu thereof eight new sections relating to public contracts.

SB 176—By Munzlinger, Nieves, Lager, Richard and Ridgeway.

An Act to repeal sections 290.210, 290.250, 290.260, 290.262, 290.290, and 290.340, RSMo, and to enact in lieu thereof six new sections relating to public construction, with existing penalty provisions.

SB 177—By Brown.

An Act to repeal section 630.167, RSMo, and to enact in lieu thereof one new section relating to department of mental health investigative reports.

SB 178—By Brown.

An Act to amend chapter 334, RSMo, by adding thereto one new section relating to surgical technology.

SB 179—By Brown.

An Act to repeal sections 79.050 and 79.055, RSMo, and to enact in lieu thereof two new sections relating to marshals in fourth class cities.

SB 180—By Kraus.

An Act to amend chapter 9, RSMo, by adding thereto two new sections relating to bicycling state holidays.

SB 181—By Stouffer.

An Act to repeal sections 303.400, 303.403, 303.406, 303.409, 303.412, and 303.415, RSMo, and to enact in lieu thereof six new sections relating to the motorist insurance identification database program, with penalty provisions.

SB 182—By Ridgeway.

An Act to repeal section 536.310, RSMo, and to enact in lieu thereof one new section relating to the small business regulatory fairness board.

SB 183—By Ridgeway.

An Act to repeal section 407.1355, RSMo, and to enact in lieu thereof one new section relating to social security numbers.

SB 184—By Wright-Jones.

An Act to repeal sections 160.400 and 160.405, RSMo, and to enact in lieu thereof two new sections relating to charter schools.

SB 185—By Purgason.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to the imposition of a sunset upon certain tax credit programs.

SB 186—By Crowell.

An Act to repeal sections 478.711 and 483.420, RSMo, and to enact in lieu thereof two new sections relating to the circuit court of Cape Girardeau County.

SB 187—By Lager, Purgason, Brown, Kehoe, Parson, Munzlinger, Mayer and Stouffer.

An Act to repeal section 537.296, RSMo, and to enact in lieu thereof one new section relating to private nuisance actions.

SB 188—By Lager, Purgason, Rupp, Lembke, Munzlinger, Wasson, Richard, Brown, Schaaf, Cunningham, Pearce, Dixon, Nieves, Kehoe, Mayer, Dempsey, Parson, Lamping, Ridgeway, Goodman and Schmitt.

An Act to repeal sections 213.010, 213.070, 213.101, and 213.111, RSMo, and to enact in lieu thereof four new sections relating to unlawful discriminatory practices.

SJR 14—By Schaaf.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 30(a) and 30(b) of article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the collection of state highway revenues, with an effective date.

Senator Crowell requested unanimous consent of the body to withdraw **SB 168**, which request was granted.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
January 25, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

David Steward, Republican, 309 Wyndmoor Terrace Court, Saint Louis, Saint Louis County, Missouri 63141, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2017, and until his successor is duly appointed and qualified; vice, David Wasinger, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Mayer referred the above appointment to the Committee on Gubernatorial Appointments.

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

SCR 5—Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Dempsey, the Senate recessed until 4:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Mayer.

REPORTS OF STANDING COMMITTEES

Senator Lembke, Chairman of the Committee on Governmental Accountability, submitted the following report:

Mr. President: Your Committee on Governmental Accountability, to which was referred **SB 68**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

RESOLUTIONS

Senator Munzlinger offered Senate Resolution No. 141, regarding the Ninety-fifth Birthday of Hazel Florine Garrett Forrester, Memphis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 142, regarding Juan Williams Chavez, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 143, regarding Jazz St. Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 144, regarding Elliott Edmond Telle, which was adopted.

Senator Crowell offered Senate Resolution No. 145, regarding Versa-Tech, Incorporated, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 146, regarding Denny Ward, Marquand, which was adopted.

Senator Crowell offered Senate Resolution No. 147, regarding Trish Brewington, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 148, regarding Allison Boyer, Marquand, which was adopted.

Senator Crowell offered Senate Resolution No. 149, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Albert Lunsford, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 150, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Robert White, Cape Girardeau, which was adopted.

Senator Green offered Senate Resolution No. 151, regarding David Martin Benjamin, which was adopted.

Senator Green offered Senate Resolution No. 152, regarding Terrance Rasheed Filer, which was adopted.

COMMUNICATIONS

President Pro Tem Mayer submitted the following:

January 26, 2011

Senator Rob Mayer
Senate President Pro Tem
State Capitol, Room 326
Jefferson City, MO 65101

Dear Senator Mayer:

This letter is to advise you that, due to other commitments, I wish to resign my position as a member of the Missouri Consolidated Health Care Plan Board of Trustees effective immediately. I do appreciate being given the opportunity to serve as a member of the Board.

Thank you.

Sincerely,
/s/ Tom Dempsey
Tom Dempsey

Also,

January 26, 2011

Senator Jim Lembke
Chairman, Government Accountability Committee
Room 419, State Capitol
Jefferson City, MO 65101

Dear Chairman Lembke:

Pursuant to Senate Rule 28 Section 8, I request that your committee investigate the bonding protocol and practices of the Missouri Development Finance Board, Missouri Health and Educational Facilities Authority, Missouri Higher Education Loan Authority, Missouri Housing Development Commission, and Environmental Improvement and Energy Resources Authority.

With economic uncertainty and scarce resources, it is imperative that authorities and commissions issuing bonds strictly adhere to statute, specifically RSMo 100.282, by confirming that an interested entity has an identifiable source of revenue.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
District 25 Senator

Also,

January 26, 2011

Senator Jim Lembke
Chairman, Government Accountability Committee
Room 419, State Capitol
Jefferson City, MO 65101

Dear Chairman Lembke:

Pursuant to Senate Rule 28 Section 8, I request that your committee investigate the recent controversy surrounding the Department of Economic Development's approval of \$2 million in tax incentives for the Watch Me Smile project in Cape Girardeau, MO.

I believe it is imperative that we spend tax dollars wisely, which is why I am asking that your committee pursue a thorough investigation to determine if funds were initially granted without regard for possible discrepancies in the company's application.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
District 25 Senator

INTRODUCTIONS OF GUESTS

Senator Pearce introduced to the Senate, Lana Oleen, Bob Downer and Pam Schutt, representatives of the Midwestern Higher Education Compact.

Senator Parson introduced to the Senate, the Physician of the Day, Dr. Wayne Morton, M.D., and his granddaughter, Olivia Hairston, Osceola.

Senator Munzlinger introduced to the Senate, Evelyn Jorgenson, Moberly.

Senator Wasson introduced to the Senate, Danny and Carol Minor, Strafford.

Senator Wasson introduced to the Senate, Nick Myers, Joplin; Kelly Hair, St. Louis; Kathy Meyer, Overland; and David Ruth, St. Louis.

Senator Richard introduced to the Senate, Abby Kittrell, Joplin.

Senator Wright-Jones introduced to the Senate, Brian and Nina Murphy, St. Louis.

Senator Kehoe introduced to the Senate, Brandon Kelley, Jefferson City; and Chris Thompson, Callaway County.

Senator Dixon introduced to the Senate, J. Martin and Nathan Taylor, Springfield.

Senator Schaefer introduced to the Senate, Yungshen Xu, Lorenzo Williams and Monte Wyrick, Columbia.

Senator Pearce introduced to the Senate, Brandon and Chris Kerksieck, Chilhowee.

Senator Schaaf introduced to the Senate, former State Senator Marvin Singleton, Fayetteville, Arkansas.

Senator Mayer introduced to the Senate, Grace Zoeller, Kansas City.

On behalf of himself and Senator Wasson, the President introduced to the Senate, former State Senator Dan Clemens, Marshfield.

On behalf of Senator Dempsey and himself, Senator Rupp introduced to the Senate, Donna Weiss and Toni Milan, St. Charles County.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTEENTH DAY—THURSDAY, JANUARY 27, 2011

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 126-Wasson	SB 156-Rupp
SB 127-Chappelle-Nadal	SB 157-Schaefer
SB 128-Lembke	SB 158-Keaveny
SB 129-Lembke	SB 159-Cunningham
SB 130-Rupp	SB 160-Cunningham
SB 131-Rupp	SB 161-Munzlinger
SB 132-Rupp and Kehoe	SB 162-Munzlinger
SB 133-Rupp	SB 163-Pearce
SB 134-Rupp	SB 164-Pearce
SB 135-Schaefer	SB 165-Goodman
SB 136-Schaaf	SB 166-Goodman
SB 137-Brown	SB 167-Goodman
SB 138-Keaveny	SB 169-Crowell
SB 139-Crowell	SB 170-Crowell
SB 140-Crowell	SB 171-Crowell
SB 141-Crowell	SB 172-Crowell
SB 142-Crowell	SB 173-Dixon and Kehoe
SB 143-Crowell	SB 174-Dempsey
SB 144-Crowell	SB 175-Munzlinger, et al
SB 145-Dempsey	SB 176-Munzlinger, et al
SB 146-Schmitt	SB 177-Brown
SB 147-Schaefer	SB 178-Brown
SB 148-Schaefer	SB 179-Brown
SB 149-Schaaf	SB 180-Kraus
SB 150-Munzlinger	SB 181-Stouffer
SB 151-Callahan and Stouffer	SB 182-Ridgeway
SB 152-Crowell	SB 183-Ridgeway
SB 153-Schaaf	SB 184-Wright-Jones
SB 154-Schaaf	SB 185-Purgason
SB 155-Rupp	SB 186-Crowell

SB 187-Lager, et al
SB 188-Lager, et al

SJR 13-Justus
SJR 14-Schaaf

HOUSE BILLS ON SECOND READING

HCS for HB 45

SENATE BILLS FOR PERFECTION

SB 68-Mayer, with SCS

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

SCR 6-Munzlinger

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Journal of the Senate

FIRST REGULAR SESSION

THIRTEENTH DAY—THURSDAY, JANUARY 27, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Walk in wisdom towards them that are without...Let your speech be always with grace.” (Colossians 4:5-6)

Almighty God, help us that we might use our intelligence wisely, at every opportunity to effectively help those who are hurting and provide direction for those who are lost. Help us do our best behaving as You would have Your children “who walk in wisdom” live. And may You bless and watch our travel bringing us safely home to those we love and serve. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lamping	Lembke
Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard
Ridgeway	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—31	

Absent—Senators—None

Absent with leave—Senators

Lager Rupp—2

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 153, regarding Denny Henke, Fredericktown, which was adopted.

Senator Keaveny offered Senate Resolution No. 154, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Edward Mullenschlager, Jr., Florissant, which was adopted.

CONCURRENT RESOLUTIONS

Senator Dempsey offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 7

WHEREAS, Section 21.760 of the Revised Statutes of Missouri provides that during the regular legislative session which convenes in an odd-numbered year, the General Assembly shall, by concurrent resolution, employ an independent certified public accountant or certified public accounting firm to conduct an audit examination of the accounts, functions, programs, and management of the State Auditor's office:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-sixth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby authorize the employment of an independent certified public accountant or certified public accounting firm pursuant to the provisions of Section 21.760; and

BE IT FURTHER RESOLVED that the audit examination be made in accordance with generally accepted auditing standards, including such reviews and inspections of books, records and other underlying data and documents as are necessary to enable the independent certified public accountant performing the audit to reach an informed opinion on the condition and performance of the accounts, functions, programs, and management of the State Auditor's Office; and

BE IT FURTHER RESOLVED that upon completion of the audit, the independent certified public accountant make a written report of his or her findings and conclusions, and supply each member of the General Assembly, the Governor, and the State Auditor with a copy of the report; and

BE IT FURTHER RESOLVED that the cost of the audit and report be paid out of the joint contingent fund of the General Assembly; and

BE IT FURTHER RESOLVED that the Commissioner of Administration bid these services, at the direction of the General Assembly, pursuant to state purchasing laws; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the Commissioner of Administration.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 189—By Schmitt.

An Act to repeal sections 620.1878 and 620.1881, RSMo, and to enact in lieu thereof two new sections relating to the quality jobs act.

SB 190—By Pearce.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for processed biomass engineered fiber fuel.

SB 191—By Pearce.

An Act to repeal sections 335.036, 335.200, 335.203, 335.206, and 335.209, RSMo, and to enact in lieu thereof three new sections relating to the caring for Missourians program.

SB 192—By Pearce.

An Act to amend chapter 630, RSMo, by adding thereto one new section relating to continuing

professional education curriculum in eating disorders for certain school personnel.

SB 193—By Pearce.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to county municipal courts.

SB 194—By Pearce.

An Act to repeal section 67.402, RSMo, and to enact in lieu thereof one new section relating to abatement of nuisances in certain counties.

SB 195—By Stouffer.

An Act to repeal section 302.171, RSMo, and to enact in lieu thereof one new section relating to the issuance of driver's licenses and nondriver's licenses to noncitizens.

SB 196—By Cunningham.

An Act to repeal sections 287.120 and 287.800, RSMo, and to enact in lieu thereof two new sections relating to workers' compensation.

SB 197—By Ridgeway.

An Act to amend chapter 290, RSMo, by adding thereto one new section relating to labor organizations, with penalty provisions, and a referendum clause.

SB 198—By Crowell.

An Act to repeal sections 145.009, 145.011, 145.041, 145.051, 145.091, 145.101, 145.102, 145.201, 145.301, 145.481, 145.511, 145.551, 145.552, 145.601, 145.711, 145.801, 145.846, 145.871, 145.961, 145.971, 145.985, 145.995, and 145.1000, RSMo, relating to the repeal of the estate tax.

SB 199—By Crowell.

An Act to repeal sections 407.1095, 407.1098, 407.1101, 407.1104, and 407.1107, RSMo, and to enact in lieu thereof five new sections relating to telephone calls.

SB 200—By Crowell.

An Act to repeal sections 100.270, 100.282, 173.385, 176.080, 215.030, 260.035, and 360.045, RSMo, and to enact in lieu thereof eight new sections relating to bond issuances.

SB 201—By Crowell.

An Act to repeal sections 105.915 and 105.927, RSMo, and to enact in lieu thereof two new sections relating to the state employee deferred compensation program.

SB 202—By Crowell.

An Act to repeal section 33.103, RSMo, and to enact in lieu thereof two new sections relating to labor organizations.

SB 203—By Schmitt, Richard, Dempsey, Justus, Schaefer, Callahan, Wasson and Wright-Jones.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to tax incentives to attract sporting events to Missouri.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 26, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Donald Cupps, Democrat, 1 Persimmon Hill Road, Cassville, Barry County, Missouri 65625, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2017, and until his successor is duly appointed and qualified; vice, John Carnahan III, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 26, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Craig Van Matre, Democrat, 450 Covered Bridge Road, Columbia, Boone County, Missouri 65203, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2013, and until his successor is duly appointed and qualified; vice, Buford Fraser, resigned.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 26, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Harry Ratliff, 4554 Laclede Unit 207, Saint Louis City, Missouri 63108, as a member of the Organ Donation Advisory Committee, for a term ending January 1, 2015, and until his successor is duly appointed and qualified; vice, Lisa Britt, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 26, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Lane Roberts, 1801 E. Natalie Lane, Joplin, Jasper County, Missouri 64801, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2012, and until his successor is duly appointed and qualified; vice, James Lynch, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 26, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Mark Sanford, 5103 Washington Place, Saint Louis, Saint Louis County, Missouri 63108, as a member of the MO HealthNet Oversight Committee, for a term ending October 30, 2011; vice, Laura Neal, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 26, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Diane Scagna, 762 Camelot Estates Drive, Hillsboro, Jefferson County, Missouri 63050, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2012, and until her successor is duly appointed and qualified; vice, Kenneth Gregory, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 26, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Debra Simaitis, 32446 Golden Acres Road, Lincoln, Benton County, Missouri 65338, as a member of the Organ Donation Advisory Committee, for a term ending January 1, 2015, and until her successor is duly appointed and qualified; vice, Lori Hodges, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Mayer referred the above appointments to the Committee on Gubernatorial Appointments.

REFERRALS

President Pro Tem Mayer referred **SCR 6** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SENATE BILLS FOR PERFECTION

Senator Mayer moved that **SB 68**, with **SCS**, be taken up for perfection, which motion prevailed.
SCS for **SB 68**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 68**

An Act to repeal section 21.400, RSMo, and to enact in lieu thereof one new section relating to subpoenas issued by the general assembly, with an emergency clause.

Was taken up.

Senator Stouffer assumed the Chair.

Senator Mayer moved that **SCS** for **SB 68** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS** for **SB 68** was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Mayer, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Russell A. Unger, Democrat, as a member of the Missouri Community Service Commission;

Also,

Kurt Finklang, as a member of the State Board of Optometry;

Also,

Scott Englund, as a member of the Missouri Veterans' Commission;

Also,

Teresa Rodgers and Karen Greiner, as members of the Behavior Analyst Advisory Board;

Also,

Corinne Walentik, as a member of the MO HealthNet Oversight Committee;

Also,

Rodney W. Herring, as a member of the Advisory Committee for 911 Service Oversight;

Also,

Herbert Hardwick, Democrat, as a member of the Lincoln University Board of Curators;

Also,

Charles McKenzie, Jennifer Tyus and Dorothy Rowland, as members of the Child Abuse and Neglect Review Board;

Also,

Margaret Pigg, as a member of the Committee for Professional Counselors;

Also,

Colleen Scott, Republican, as a member and Secretary of the Jackson County Board of Election Commissioners;

Also,

Teddy E. Sheppard, Republican, as a member of the State Fair Commission;

Also,

Randy Holman, Democrat, as a member of the State Tax Commission;

Also,

Mark S. Lester, as a member of the Board of Boiler and Pressure Vessel Rules;

Also,

Donald W. McNutt, as a member of the Petroleum Storage Tank Insurance Fund Board of Trustees.

Senator Mayer requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Mayer moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

President Pro Tem Mayer assumed the Chair.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 11**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 68**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Stouffer assumed the Chair.

Senator Pearce assumed the Chair.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

- SB 126**—Financial and Governmental Organizations and Elections.
- SB 127**—Health, Mental Health, Seniors and Families.
- SB 128**—Education.
- SB 129**—Education.
- SB 130**—Education.
- SB 131**—Transportation.
- SB 132**—Small Business, Insurance and Industry.
- SB 133**—Transportation.
- SB 134**—Judiciary and Civil and Criminal Jurisprudence.
- SB 135**—Commerce, Consumer Protection, Energy and the Environment.
- SB 136**—Health, Mental Health, Seniors and Families.
- SB 137**—Financial and Governmental Organizations and Elections.
- SB 138**—Agriculture, Food Production and Outdoor Resources.
- SB 139**—Ways and Means and Fiscal Oversight.
- SB 140**—Ways and Means and Fiscal Oversight.
- SB 141**—Ways and Means and Fiscal Oversight.
- SB 142**—Jobs, Economic Development and Local Government.
- SB 143**—Ways and Means and Fiscal Oversight.
- SB 144**—Ways and Means and Fiscal Oversight.
- SB 145**—Jobs, Economic Development and Local Government.
- SB 146**—Jobs, Economic Development and Local Government.
- SB 147**—Education.
- SB 148**—Small Business, Insurance and Industry.
- SB 149**—Judiciary and Civil and Criminal Jurisprudence.
- SB 150**—Agriculture, Food Production and Outdoor Resources.
- SB 151**—Jobs, Economic Development and Local Government.
- SB 152**—Veterans’ Affairs, Emerging Issues, Pensions and Urban Affairs.
- SB 153**—Small Business, Insurance and Industry.
- SB 154**—Veterans’ Affairs, Emerging Issues, Pensions and Urban Affairs.
- SB 155**—Ways and Means and Fiscal Oversight.
- SB 156**—Judiciary and Civil and Criminal Jurisprudence.
- SB 157**—Judiciary and Civil and Criminal Jurisprudence.

SB 158—Commerce, Consumer Protection, Energy and the Environment.

SB 159—Commerce, Consumer Protection, Energy and the Environment.

SB 160—Agriculture, Food Production and Outdoor Resources.

SB 161—Agriculture, Food Production and Outdoor Resources.

SB 162—Agriculture, Food Production and Outdoor Resources.

SB 163—Education.

SB 164—Education.

SB 165—Judiciary and Civil and Criminal Jurisprudence.

SB 166—Small Business, Insurance and Industry.

SB 167—Transportation.

SB 169—Health, Mental Health, Seniors and Families.

SB 170—Veterans’ Affairs, Emerging Issues, Pensions and Urban Affairs.

SB 171—Judiciary and Civil and Criminal Jurisprudence.

SB 172—Judiciary and Civil and Criminal Jurisprudence.

SB 173—Transportation.

SB 174—Jobs, Economic Development and Local Government.

SB 175—Jobs, Economic Development and Local Government.

SB 176—Small Business, Insurance and Industry.

SB 177—Health, Mental Health, Seniors and Families.

SB 178—Health, Mental Health, Seniors and Families.

SB 179—Jobs, Economic Development and Local Government.

SB 180—Health, Mental Health, Seniors and Families.

SB 181—Small Business, Insurance and Industry.

SB 182—Small Business, Insurance and Industry.

SB 183—General Laws.

SB 184—Education.

SB 185—Ways and Means and Fiscal Oversight.

SB 186—Judiciary and Civil and Criminal Jurisprudence.

SB 187—Agriculture, Food Production and Outdoor Resources.

SB 188—Commerce, Consumer Protection, Energy and the Environment.

SJR 13—Financial and Governmental Organizations and Elections.

SJR 14—Transportation.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and ordered printed:

SB 204—By Dempsey, Ridgeway, Nieves, Lembke, Stouffer, Engler, Mayer, Keaveny, Schaaf, Green, Dixon, Pearce, Chappelle-Nadal, Schaefer, Richard, Lamping, McKenna, Parson, Wasson, Goodman, Munzlinger, Schmitt, Brown, Kehoe, Callahan and Kraus.

An Act to repeal section 135.630, RSMo, and to enact in lieu thereof one new section relating to a tax credit for contributions to pregnancy resource centers.

COMMUNICATIONS

Senator Callahan submitted the following:

January 27, 2011

The Honorable Senator Rob Mayer – President Pro-Tem
State Capitol, Room 326
Jefferson City, Missouri 65101

Dear Senator Mayer:

Pursuant to the provisions of section 42.007.2 RSMo and acting within my capacity as Minority Floor Leader, I hereby appoint myself to the Missouri Veterans Commission.

Sincerely,
/s/ Victor E. Callahan
Victor Callahan

INTRODUCTIONS OF GUESTS

Senator Schaefer introduced to the Senate, former Governor Roger Wilson, Columbia.

On motion of Senator Dempsey, the Senate adjourned until 4:00 p.m., Monday, January 31, 2011.

SENATE CALENDAR

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FOURTEENTH DAY—MONDAY, JANUARY 31, 2011

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FORMAL CALENDAR**SECOND READING OF SENATE BILLS**

SB 189-Schmitt
SB 190-Pearce
SB 191-Pearce
SB 192-Pearce
SB 193-Pearce
SB 194-Pearce
SB 195-Stouffer
SB 196-Cunningham

SB 197-Ridgeway
SB 198-Crowell
SB 199-Crowell
SB 200-Crowell
SB 201-Crowell
SB 202-Crowell
SB 203-Schmitt, et al
SB 204-Dempsey, et al

HOUSE BILLS ON SECOND READING

HCS for HB 45

THIRD READING OF SENATE BILLS

SCS for SB 68-Mayer

SENATE BILLS FOR PERFECTION

SB 11-McKenna, with SCS

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

SCR 7-Dempsey

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Journal of the Senate

FIRST REGULAR SESSION

FOURTEENTH DAY—MONDAY, JANUARY 31, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“God never promises to remove us from our struggles. He does promise, however, to change the way we look at them.” (Max Lucado)

Lord, we are grateful for our safe travel through difficult weather and Your bringing us here to do the work that is required of us. We ask that this week You help us see Your promise in the difficulties that face us this session and grant us wisdom and compassion so all we do is as unto You. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 27, 2011 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Dempsey	Dixon	Engler	Goodman
Green	Keaveny	Kehoe	Kraus	Lager	Lembke	Mayer	McKenna
Munzlinger	Nieves	Parson	Pearce	Purgason	Richard	Schaaf	Schaefer
Schmitt	Stouffer	Wasson	Wright-Jones—28				

Absent—Senators—None

Absent with leave—Senators

Cunningham	Justus	Lamping	Ridgeway	Rupp—5
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Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Dempsey offered Senate Resolution No. 155, regarding Joe Briscoe, St. Charles, which was adopted.

Senator Dempsey offered Senate Resolution No. 156, regarding Gary Shaw, St. Charles, which was adopted.

Senator Dempsey offered Senate Resolution No. 157, regarding Lynne Tomlinson, St. Peters, which was adopted.

Senator Dempsey offered Senate Resolution No. 158, regarding Mimi Jackson, St. Charles, which was adopted.

Senator Dempsey offered Senate Resolution No. 159, regarding Mike Ricketts, St. Charles, which was adopted.

Senator Engler offered Senate Resolution No. 160, regarding Judy A. Cook, Centerville, which was adopted.

Senator Engler offered Senate Resolution No. 161, regarding Southern Reynolds County R-II School District, which was adopted.

Senator Crowell offered Senate Resolution No. 162, regarding Leet EyeCare, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 163, regarding Paula Myers, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 164, regarding Janet Esicar, Cape Girardeau, which was adopted.

Senator Pearce offered Senate Resolution No. 165, regarding Garrick Otto Zinecker, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 166, regarding Krischan Andor Zinecker, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 167, regarding Steven Nevels, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 168, regarding Damin Dukane Dixon, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 169, regarding Albert Fleer, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 170, regarding Alex Reed, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 171, regarding Levi Perry Dunkeson, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 172, regarding Matthew G. Zackschewski, Centerville, Virginia, which was adopted.

Senator Pearce offered Senate Resolution No. 173, regarding Colin A. Munley, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 174, regarding Weston Herman, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 175, regarding Clifford K. Howe, Warrensburg, which was adopted.

Senators Callahan, Chappelle-Nadal, Dempsey, Green, Justus, Mayer, McKenna and Wright-Jones offered Senate Resolution No. 176, regarding the Thirtieth Wedding Anniversary of Mr. and Mrs. Joseph P. Keaveny, St. Louis, which was adopted.

Senator Kehoe offered Senate Resolution No. 177, regarding Richard Schroeder, California, which was adopted.

Senator Purgason offered the following resolution:

SENATE RESOLUTION NO. 178

NOTICE OF PROPOSED RULE CHANGE

BE IT RESOLVED by the Senate of the Ninety-sixth General Assembly, First Regular Session, that Senate Rule 96, be amended to read as follows:

“Rule 96. 1. Laptop computers may be used [by the press at the press table and by the research staff at the research table] in the Senate Chamber as long as their use does not violate Rule 78 or is otherwise disruptive to the business of the Senate. **If a senator is engaged in debate or discussion, he or she shall close the screen of his or her laptop computer completely during the period of debate or discussion.** No person shall take any photograph in the Senate Gallery. Persons with cameras, flash cameras, lights, or other paraphernalia may be allowed to use such devices at committee meetings with the permission of the Chairman as long as they do not prove disruptive to the decorum of the committee. Smoking is not permissible in the Senate Chamber or Gallery, the Kirchoff Gallery, the Pershing Gallery, the Bingham Gallery, committee rooms, lounge, the hallways, restrooms or elevators.

2. For the purpose of compliance with the Americans with Disabilities Act, the President Pro Tem may designate a portion of the Senate Chamber as handicap accessible and such areas shall not be considered a part of the floor of the Senate for the purposes of section 21.420, RSMo. Persons using such area shall not lobby members of the Senate while going to and from or while using the designated area.”.

Senator Purgason offered the following resolution:

SENATE RESOLUTION NO. 179

NOTICE OF PROPOSED RULE CHANGE

BE IT RESOLVED by the Senate of the Ninety-sixth General Assembly, First Regular Session, that Senate Rule 33, be amended to read as follows:

“Rule 33. No report of a committee of conference, or any house amendment to a senate bill shall be declared adopted without the assent of the majority of all the senators elected, and the yeas and nays taken thereon and entered upon the Journal. **No conference committee report shall be taken up and considered unless the same has been distributed to the senators at least one legislative day prior to consideration.**”.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 27, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 23, 2010, while the Senate was not in session.

Angela Beshears, Republican, 15810 Oakmont Circle, Kearney, Clay County, Missouri 64060, as Secretary of the Clay County Board of Election Commissioners, for a term ending at the pleasure of the Governor and until her successor is duly appointed and qualified; vice, RSMo 115.027.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
January 27, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 29, 2010, while the Senate was not in session.

Jack Lary, Republican, 3915 Olive, Apt. 302, City of St. Louis, Missouri 63108, as Secretary of the St. Louis City Board of Election Commissioners, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Eileen McCann.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
January 25, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Dalton Wright for the Coordinating Board for Higher Education, submitted to you on January 5, 2011. Line 1 should read:

Dalton Wright, Republican, 21125 Aster Road, Conway, Laclede County, Missouri

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
January 31, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointments to office made by me and submitted to you on January 5, 2011, for your advice and consent:

Benjamin Lampert, 4367 East Bogey Court, Springfield, Greene County, Missouri 65809, as a member of the Advisory Commission for Anesthesiologist Assistants, for a term ending July 1, 2012, and until his successor is duly appointed and qualified; vice, Toni Smith, withdrawn.

Christopher J. Young, 36 Rio Vista Drive, Saint Louis, Saint Louis County, Missouri 63124, as a member of the Advisory Commission for Anesthesiologist Assistants, for a term ending July 1, 2013, and until his successor is duly appointed and qualified; vice, Charles Bowen, term expired.

Alan H. Wells, 1415 Highway H, Farmington, Saint Francois County, Missouri 63640, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2012 and until his successor is duly appointed and qualified; vice, Sam Coryell, term expired.

Tamara Burlis, 1834 Hollow Tree Court, Chesterfield, Saint Louis County, Missouri 63017, as a member of the Advisory Commission for Physical Therapists, for a term ending October 1, 2013, and until her successor is duly appointed and qualified; vice, Mark Mattingly, term expired.

Charles J. Gulas, 2054 Wild Horse Creek Road, Wildwood, Saint Louis County, Missouri 63038, as a member of the Advisory Commission for Physical Therapists, for a term ending October 1, 2012, and until his successor is duly appointed and qualified; vice, Paula Burnett, term expired.

Michelle R. Bernth, Independent, 528 Queens Court Place, Saint Peters, Saint Charles County, Missouri 63376, as a member of the Air Conservation Commission, for a term ending October 13, 2013, and until her successor is duly appointed and qualified; vice, Kevin Rosenbohm, term expired.

Thomas Davis, 13308 East 93rd Street, Kansas City, Jackson County, Missouri 64138, as a member of the Behavior Analyst Advisory Board, for a term ending January 4, 2013, and until his successor is duly appointed and qualified; vice, RSMo 337.305.

Jessa R. Love, 5555 East Mount Zion Church Road, Hallsville, Boone County, Missouri 65255, as a member of the Behavior Analyst Advisory Board, for a term ending January 4, 2014, and until her successor is duly appointed and qualified; vice, RSMo 337.305.

Bassem F. Armaly, 1711 Line Avenue, Rolla, Phelps County, Missouri 65401, as a member of the Board of Boiler and Pressure Vessel Rules, for a term ending September 28, 2010, and until his successor is duly appointed and qualified; vice, Edward "Sandy" Renshaw, III, withdrawn.

Cynthia Prudden, Democrat, 1012 Southway Drive, Bowling Green, Pike County, Missouri 63334, as a member of the Board of Probation and Parole, for a term ending April 25, 2015, and until her successor is duly appointed and qualified; vice, Robert Robinson, term expired.

Kristi Kenney, 2302 N. Antioch Road, Clinton, Henry County, Missouri 64735, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2013, and until her successor is duly appointed and qualified; vice, Katherine Hilton, term expired.

Barbara Kuebler, 3204 Pembroke Square, Jefferson City, Cole County, Missouri 65109, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2013, and until her successor is duly appointed and qualified; vice, Barbara Kuebler, reappointed.

James Cunningham, 2315 West 5th Street, Sedalia, Pettis County, Missouri 65301, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2013, and until his successor is duly appointed and qualified; vice, James Cunningham, reappointed.

Betty Marver, 4100 Forest Park #311, Saint Louis City, Missouri 63108, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2013, and until her successor is duly appointed and qualified; vice, Jeanette Brown, term expired.

Betty Skinner, 1120 S. 18th Street, Saint Louis, Saint Louis County, Missouri 63104, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2013, and until her successor is duly appointed and qualified; vice, Jane Henke, term expired.

Craig Miner, 1434 Schulte Rd, St. Louis, St. Louis County, Missouri 63146, as a member of the Committee for Professional Counselors, for a term ending August 28, 2012, and until his successor is duly appointed and qualified; vice, Naomi Hunter, withdrawn.

Elizabeth G. Sims, Republican, 18 Ladue Manor, Ladue, Saint Louis County, Missouri 63124, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2016 and until her successor is duly appointed and qualified; vice, Gregory Upchurch, term expired.

Thomas Strong, Independent, 3967 Eaglescliffe Drive, Springfield, Greene County, Missouri 65809, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2012, and until his successor is duly appointed and qualified; vice, David Cole, resigned.

Dalton Wright, Republican, 21125 Aster Road, Conway, Laclede County, Missouri 65632, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2014, and until his successor is duly appointed and qualified; vice, Duane Schreimann, withdrawn.

Sara Parker Pauley, 5701 East Claysville Road, Hartsburg, Boone County Missouri, 65039, as Director of the Department of Natural Resources, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified.

William Dalton, Democrat, 2336 East Glenwood, Springfield, Greene County, Missouri 65804, as a member of the State Environmental Improvement and Energy Resources Authority, for a term ending January 22, 2012, and until his successor is duly appointed and qualified; vice, Jason Morgan, term expired.

Deron Sugg, Democrat, 805 Mississippi Avenue, Crystal City, Jefferson County, Missouri 63019, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2013 and until his successor is duly appointed and qualified; vice, Suzan Ponder-Bates, withdrawn.

Sarah R. Maguffee, Democrat, 3705 Dublin Avenue, Columbia, Boone County, Missouri 65203, as a member of the Health and Educational Facilities Authority, for a term ending July 30, 2013, and until her successor is duly appointed and qualified; vice, Steven Hoven, withdrawn.

Garry Kemp, Democrat, 2514 NW Windwood Drive, Lee's Summit, Jackson County, Missouri 64081, as a member of the Jackson County Sports Complex Authority, for a term ending July 15, 2015, and until his successor is duly appointed and qualified; vice, Michael Smith, term expired.

Patrice L. Komoroski, Independent, 65 West Meath Ring, Saint Charles, Saint Charles County, Missouri 63304, as a member of the Missouri Board for Respiratory Care, for a term ending April 3, 2012, and until her successor is duly appointed and qualified; vice, Martha Gragg, term expired.

Patrick Lamping, Democrat, 2164 Timber Lane, Barnhart, Jefferson County, Missouri 63012, as a member of the Missouri Development Finance Board, for a term ending September 14, 2012, and until his successor is duly appointed and qualified; vice, Brian May, resigned.

Reuben Shelton, Democrat, 5155 Westminster Place, Saint Louis City, Missouri 63108, as a member of the Missouri Development Finance Board, for a term ending September 14, 2014, and until his successor is duly appointed and qualified; vice, Danette Proctor, term expired.

Dorothy Grange, 639 West Polo Drive, Saint Louis, Saint Louis County, Missouri 63105, as a member of the Missouri Genetic Advisory Committee, for a term ending April 9, 2011, and until her successor is duly appointed and qualified; vice, Christopher Beck, withdrawn.

Saleem Abdulrauf, 7520 Buckingham Drive 1E, Saint Louis, Saint Louis County, Missouri 63105, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2013, and until his successor is duly appointed and qualified; vice, Robert Forget, term expired.

William A. Krodinger, Independent, 866 Craig Forest Lane, Kirkwood, Saint Louis County, Missouri 63122, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 2012, and until his successor is duly appointed and qualified; vice, Gordon Kinne, term expired.

Marvin Wright, 1200 Danforth Drive, Columbia, Boone County, Missouri 65201, as a member of the Missouri Higher Education Loan Authority, for a term ending October 22, 2014, and until his successor is duly appointed and qualified; vice, Marvin Wright, withdrawn.

Deborah S. Fritz, 13544 Highway KK, Marshfield, Webster County, Missouri 65706, as a member of the Missouri State Board of Accountancy, for a term ending July 1, 2013, and until her successor is duly appointed and qualified; vice, Stanley Schmidt, withdrawn.

Kecia Leary, 609 N. Jerico, Nixa, Christian County, Missouri 65714, as a member of the MO HealthNet Oversight Committee, for a term ending October 30, 2011, and until her successor is duly appointed and qualified; vice, James McMillen, term expired.

Timothy D. McBride, 4 Spoede Hills Drive, Creve Coeur, Saint Louis County, Missouri 63141, as a member of the MO HealthNet Oversight Committee, for a term ending October 30, 2011, and until his successor is duly appointed and qualified; vice, Stephen Bradford, term expired.

Bridget M. McCandless, 4801 South Maybrook Court, Independence, Jackson County, Missouri 64055, as a member of the MO HealthNet Oversight Committee, for a term ending October 30, 2012, and until her successor is duly appointed and qualified; vice, Renee Walker, term expired.

Carmen D. Parker-Bradshaw, 1600 E. Olive Street, Springfield, Greene County, Missouri 65802, as a member of the MO HealthNet Oversight Committee, for a term ending October 30, 2011, and until her successor is duly appointed and qualified; vice, Gwendolyn Crimm, term expired.

Ingrid D. Taylor, 900 South Hanley, Unit 14B, Clayton, Saint Louis County, Missouri 63105, as a member of the MO HealthNet Oversight Committee, for a term ending October 30, 2011, and until her successor is duly appointed and qualified; vice, Heidi Miller, term expired.

Virginia A. Beatty, 6736 State Road UU, Fulton, Callaway County, Missouri 65251, as a member of the Organ Donation Advisory Committee, for a term ending January 1, 2015, and until her successor is duly appointed and qualified; vice, Virginia A. Beatty, reappointed.

Heidi M. Hernandez, 5917 NE Coral Circle, Lee's Summit, Jackson County, Missouri 64064, as a member of the Organ Donation Advisory Committee, for a term ending January 1, 2015, and until her successor is duly appointed and qualified; vice, Tammy McLane, term expired.

Joan M. Keiser, 3676 South Broadway, Springfield, Greene County, Missouri 65807, as a member of the Organ Donation Advisory Committee, for a term ending January 1, 2015, and until her successor is duly appointed and qualified; vice, Michael C. Perry, term expired.

Archie Camden, 322 Rue Terre Bonne, Bonne Terre, St. Francois County, Missouri 63628, as a member of the State Board of Embalmers and Funeral Directors, for a term ending September 1, 2011, and until his successor is duly appointed and qualified; vice, Joy Gerstein, term expired.

Donald J. Vanderfeltz, 26683 Highway D, California, Moniteau County, Missouri 65018, as a member of the State Board of Optometry, for a term ending June 20, 2013, and until his successor is duly appointed and qualified; vice, Christy Fowler, term expired.

Pamela L. Marshall, 4280 Washington Boulevard, Saint Louis City, Missouri 63108, as a member of the State Board of Pharmacy, for a term ending September 24, 2015, and until her successor is duly appointed and qualified; vice, Pamela L. Marshall, reappointed.

Dale Smith, 1212 NE 96th Terrace, Kansas City, Clay County, Missouri 64155, as a member of the State Board of Pharmacy, for a term ending December 2, 2015, and until his successor is duly appointed and qualified; vice, Elaina Wolzak, term expired.

Fareesa Khan, Democrat, 543 Oakhaven Lane, St. Louis, St. Louis County, Missouri 63141, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2011, and until her successor is duly appointed and qualified; vice, Toni Smith, withdrawn.

Dianne Modrell, Democrat, 12987 Burning Bush Court, Saint Louis, Saint Louis County, Missouri 63146, as a member of the State Committee of Marital and Family Therapists, for a term ending October 8, 2015, and until her successor is duly appointed and qualified; vice, RSMo 337.739.

Christopher A. Gordon, 123 Couch Avenue, Kirkwood, Saint Louis County, Missouri 63122, as a member of the State Historical Records Advisory Board, for a term ending November 01, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Charlie Ausfahl, Democrat, 7165 S. Silver Drive, Fulton, Callaway County, Missouri 65251, as a member of the State Soil and Water District Commission, for a term ending August 15, 2012, and until his successor is duly appointed and qualified; vice, Dan Devlin, term expired.

Jeff Schaeperkoetter, Democrat, 5014 Willowby Drive, Jefferson City, Cole County, Missouri 65109, as a member of the State Tax Commission, for a term ending January 23, 2012, and until his successor is duly appointed and qualified; vice, Billy Lee Ransdall, withdrawn.

Michael A. Zito, 851 North Glebe Road, Unit 1809, Arlington, Arlington County, Virginia 22203, as a member of the Truman State University Board of Governors, for a term ending January 1, 2016, and until his successor is duly appointed and qualified; vice, Peter Ewell, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
January 31, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointments to office made by me and submitted to you on January 27, 2011, for your advice and consent:

Jack Lary, Republican, 3915 Olive, Apt. 302, City of St. Louis, Missouri 63108, as Secretary of the St. Louis City Board of Election Commissioners, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Eileen McCann.

Angela Beshears, Republican, 15810 Oakmont Circle, Kearney, Clay County, Missouri 64060, as Secretary of the Clay County Board of Election Commissioners, for a term ending at the pleasure of the Governor and until her successor is duly appointed and qualified; vice, RSMo 115.027.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Mayer moved that the above appointments and addendum be returned to the Governor per his request, which motion prevailed.

REFERRALS

President Pro Tem Mayer referred **SCR 7** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

Senator Pearce assumed the Chair.

THIRD READING OF SENATE BILLS

SCS for **SB 68**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 68**

An Act to repeal section 21.400, RSMo, and to enact in lieu thereof one new section relating to subpoenas issued by the general assembly, with an emergency clause.

Was taken up by Senator Mayer.

On motion of Senator Mayer, **SCS** for **SB 68** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Dempsey	Dixon	Engler	Goodman
Green	Keaveny	Kehoe	Kraus	Lager	Lembke	Mayer	McKenna
Munzlinger	Parson	Pearce	Purgason	Richard	Schaaf	Schaefer	Schmitt
Stouffer	Wasson	Wright-Jones—27					

NAYS—Senators—None

Absent—Senator Nieves—1

Absent with leave—Senators

Cunningham	Justus	Lamping	Ridgeway	Rupp—5
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Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Dempsey	Dixon	Engler	Goodman
Green	Keaveny	Kehoe	Kraus	Lager	Lembke	Mayer	McKenna
Munzlinger	Nieves	Parson	Pearce	Purgason	Richard	Schaaf	Schaefer
Schmitt	Stouffer	Wasson	Wright-Jones—28				

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Cunningham	Justus	Lamping	Ridgeway	Rupp—5
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Vacancies—1

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

COMMUNICATIONS

Senator Crowell submitted the following:

January 31, 2011

The Honorable Rob Mayer
State Capitol – Room 326
Jefferson City, MO 65101

Dear Sen. Mayer:

Thank you again for the recent committee appointments. However, I once again respectfully request to be removed as a member of the Financial, Governmental Organizations and Elections Committee and the Government Accountability Committee.

Thank you.

Sincerely,
/s/ Jason Crowell
Jason G. Crowell
State Senator

INTRODUCTIONS OF GUESTS

Senator Schaaf introduced to the Senate, his daughter, Renee, Chicago.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTEENTH DAY—TUESDAY, FEBRUARY 1, 2011

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 189-Schmitt
SB 190-Pearce
SB 191-Pearce
SB 192-Pearce
SB 193-Pearce
SB 194-Pearce
SB 195-Stouffer
SB 196-Cunningham

SB 197-Ridgeway
SB 198-Crowell
SB 199-Crowell
SB 200-Crowell
SB 201-Crowell
SB 202-Crowell
SB 203-Schmitt, et al
SB 204-Dempsey, et al

HOUSE BILLS ON SECOND READING

HCS for HB 45

SENATE BILLS FOR PERFECTION

SB 11-McKenna, with SCS

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

SR 178-Purgason

SR 179-Purgason

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Journal of the Senate

FIRST REGULAR SESSION

FIFTEENTH DAY—TUESDAY, FEBRUARY 1, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

President Pro Tem Mayer offered the following prayer:

Gracious Heavenly Father, as we observe Your almighty power, we ask You to be with us and protect us. We know You will watch over us in everything we encounter. Guide our thoughts and actions as we serve the people of this great state. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Dempsey	Dixon	Engler	Goodman
Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lembke	Mayer
McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason	Schmitt	Stouffer

Wasson—25

Absent—Senators—None

Absent with leave—Senators

Cunningham	Lamping	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Wright-Jones—8
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Vacancies—1

The Lieutenant Governor was present.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 205—By Stouffer.

An Act to repeal sections 115.275, 115.291, and 115.293, RSMo, and to enact in lieu thereof seven new

sections relating to advance voting.

SB 206—By Purgason.

An Act to amend chapter 290, RSMo, by adding thereto one new section relating to labor organizations, with penalty provisions.

SB 207—By Lager.

An Act to repeal section 386.850, RSMo, relating to the Missouri energy task force.

SB 208—By Lager.

An Act to amend chapter 392, RSMo, by adding thereto one new section relating to telecommunications.

SB 209—By Lager.

An Act to repeal section 392.460, RSMo, and to enact in lieu thereof one new section relating to telecommunications.

SB 210—By Lembke.

An Act to repeal section 137.073, RSMo, and to enact in lieu thereof one new section relating to property tax levy revisions.

SB 211—By Lembke.

An Act to repeal section 537.067, RSMo, and to enact in lieu thereof one new section relating to liability for damages in tort actions.

SB 212—By Lembke.

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to the establishment of minimal yellow light change interval times for traffic control devices.

Senator Dempsey announced that photographers from the Jefferson City News Tribune were given permission to take pictures in the Senate Chamber today.

SENATE BILLS FOR PERFECTION

Senator McKenna moved that **SB 11**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 11**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 11

An Act to repeal section 304.820, RSMo, and to enact in lieu thereof one new section relating to the banning of text messaging while operating a motor vehicle.

Was taken up.

Senator McKenna moved that **SCS** for **SB 11** be adopted.

Senator Stouffer assumed the Chair.

Senator Lembke offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 11, Page 1, In the Title, Line 3, by striking all of said line and inserting in lieu thereof the following: “to the regulation of motor vehicles.”; and

Further amend said bill and page, section A, line 2, by inserting after all of said line the following:

“304.289. The timing of any traffic-control signal shall conform to regulations promulgated by the Department of Transportation. The department of transportation shall establish minimal yellow light change interval times for traffic-control devices. The minimal yellow light change interval time shall be established in accordance with nationally recognized engineering standards set forth in the Manual on Uniform Traffic Control Devices, and any such established time shall not be less than the recognized national standard.”; and

Further amend the title and enacting clause accordingly.

Senator Lembke moved that the above amendment be adopted, which motion prevailed.

Senator Munzlinger offered **SA 2:**

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 11, Page 1, In the Title, Line 3, by striking all of said line and inserting in lieu thereof the following: “to the regulation of motor vehicles.”; and

Further amend said bill and page, section A, line 2, by inserting after all of said line the following:

“304.180. 1. No vehicle or combination of vehicles shall be moved or operated on any highway in this state having a greater weight than twenty thousand pounds on one axle, no combination of vehicles operated by transporters of general freight over regular routes as defined in section 390.020 shall be moved or operated on any highway of this state having a greater weight than the vehicle manufacturer's rating on a steering axle with the maximum weight not to exceed twelve thousand pounds on a steering axle, and no vehicle shall be moved or operated on any state highway of this state having a greater weight than thirty-four thousand pounds on any tandem axle; the term “tandem axle” shall mean a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart.

2. An “axle load” is defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.

3. Subject to the limit upon the weight imposed upon a highway of this state through any one axle or on any tandem axle, the total gross weight with load imposed by any group of two or more consecutive axles of any vehicle or combination of vehicles shall not exceed the maximum load in pounds as set forth in the following table:

Distance in feet
between the extremes
of any group of two or
more consecutive axles,
measured to the nearest

foot, except where

indicated otherwise

Maximum load in pounds

feet	2 axles	3 axles	4 axles	5 axles	6 axles
4	34,000				
5	34,000				
6	34,000				
7	34,000				
8	34,000	34,000			
More than 8	38,000	42,000			
9	39,000	42,500			
10	40,000	43,500			
11	40,000	44,000			
12	40,000	45,000	50,000		
13	40,000	45,500	50,500		
14	40,000	46,500	51,500		
15	40,000	47,000	52,000		
16	40,000	48,000	52,500	58,000	
17	40,000	48,500	53,500	58,500	
18	40,000	49,500	54,000	59,000	
19	40,000	50,000	54,500	60,000	
20	40,000	51,000	55,500	60,500	66,000
21	40,000	51,500	56,000	61,000	66,500
22	40,000	52,500	56,500	61,500	67,000
23	40,000	53,000	57,500	62,500	68,000
24	40,000	54,000	58,000	63,000	68,500
25	40,000	54,500	58,500	63,500	69,000
26	40,000	55,500	59,500	64,000	69,500
27	40,000	56,000	60,000	65,000	70,000
28	40,000	57,000	60,500	65,500	71,000
29	40,000	57,500	61,500	66,000	71,500
30	40,000	58,500	62,000	66,500	72,000
31	40,000	59,000	62,500	67,500	72,500

32	40,000	60,000	63,500	68,000	73,000
33	40,000	60,000	64,000	68,500	74,000
34	40,000	60,000	64,500	69,000	74,500
35	40,000	60,000	65,500	70,000	75,000
36		60,000	66,000	70,500	75,500
37		60,000	66,500	71,000	76,000
38		60,000	67,500	72,000	77,000
39		60,000	68,000	72,500	77,500
40		60,000	68,500	73,000	78,000
41		60,000	69,500	73,500	78,500
42		60,000	70,000	74,000	79,000
43		60,000	70,500	75,000	80,000
44		60,000	71,500	75,500	80,000
45		60,000	72,000	76,000	80,000
46		60,000	72,500	76,500	80,000
47		60,000	73,500	77,500	80,000
48		60,000	74,000	78,000	80,000
49		60,000	74,500	78,500	80,000
50		60,000	75,500	79,000	80,000
51		60,000	76,000	80,000	80,000
52		60,000	76,500	80,000	80,000
53		60,000	77,500	80,000	80,000
54		60,000	78,000	80,000	80,000
55		60,000	78,500	80,000	80,000
56		60,000	79,500	80,000	80,000
57		60,000	80,000	80,000	80,000

Notwithstanding the above table, two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each if the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.

4. Whenever the state highways and transportation commission finds that any state highway bridge in the state is in such a condition that use of such bridge by vehicles of the weights specified in subsection 3 of this section will endanger the bridge, or the users of the bridge, the commission may establish maximum weight limits and speed limits for vehicles using such bridge. The governing body of any city or county may grant authority by act or ordinance to the state highways and transportation commission to

enact the limitations established in this section on those roadways within the purview of such city or county. Notice of the weight limits and speed limits established by the commission shall be given by posting signs at a conspicuous place at each end of any such bridge.

5. Nothing in this section shall be construed as permitting lawful axle loads, tandem axle loads or gross loads in excess of those permitted under the provisions of Section 127 of Title 23 of the United States Code.

6. Notwithstanding the weight limitations contained in this section, any vehicle or combination of vehicles operating on highways other than the interstate highway system may exceed single axle, tandem axle and gross weight limitations in an amount not to exceed two thousand pounds. However, total gross weight shall not exceed eighty thousand pounds, except as provided in subsection 9 of this section.

7. Notwithstanding any provision of this section to the contrary, the department of transportation shall issue a single-use special permit, or upon request of the owner of the truck or equipment, shall issue an annual permit, for the transporting of any concrete pump truck or well-drillers' equipment. The department of transportation shall set fees for the issuance of permits pursuant to this subsection. Notwithstanding the provisions of section 301.133, concrete pump trucks or well-drillers' equipment may be operated on state-maintained roads and highways at any time on any day.

8. Notwithstanding the provision of this section to the contrary, the maximum gross vehicle limit and axle weight limit for any vehicle or combination of vehicles equipped with an idle reduction technology may be increased by a quantity necessary to compensate for the additional weight of the idle reduction system as provided for in 23 U.S.C. Section 127, as amended. In no case shall the additional weight increase allowed by this subsection be greater than four hundred pounds. Upon request by an appropriate law enforcement officer, the vehicle operator shall provide proof that the idle reduction technology is fully functional at all times and that the gross weight increase is not used for any purpose other than for the use of idle reduction technology.

9. Notwithstanding subsection 3 of this section or any other provision of law to the contrary, the total gross weight of any vehicle or combination of vehicles hauling livestock may be as much as, but shall not exceed, eighty-five thousand five hundred pounds while operating on U.S. Highway 36 from St. Joseph to U.S. Highway 65, and on U.S. Highway 65 from the Iowa state line to U.S. Highway 36.

10. Notwithstanding subsection 3 of this section or any other provision of law to the contrary, for the period between October fifteenth and December fifteenth of each year, any motor vehicle or combination of motor vehicles carrying agricultural products may operate with a load that exceeds the maximum weight load permitted by this chapter by ten percent on any tandem axle, group of axles, and gross weight. If enforcement action is taken pursuant to this section, the fine or penalty shall only apply to that portion of the load that is more than ten percent above the legal limit. The weight tolerance authorized in this subsection shall apply to all highways within the state of Missouri except for the interstate highway system. As used in this subsection, the term “agricultural products” shall have the same meaning ascribed to it in section 274.020.”; and

Further amend the title and enacting clause accordingly.

Senator Munzlinger moved that the above amendment be adopted, which motion prevailed.

Senator McKenna moved that **SCS for SB 11**, as amended, be adopted, which motion prevailed.

On motion of Senator McKenna, **SCS** for **SB 11**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 73** and **47**, entitled:

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to illegal drug use of applicants and recipients of temporary assistance for needy families benefits.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 163**, entitled:

An Act to repeal sections 288.062, and 288.330, RSMo, and to enact in lieu thereof two new sections relating to unemployment compensation, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCR 1**.

Concurrent Resolution ordered enrolled.

President Pro Tem Mayer assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 33**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Goodman, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 8**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On motion of Senator Dempsey, the Senate recessed until 12:00 noon.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Mayer.

REPORTS OF STANDING COMMITTEES

Senator Schmitt, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 18**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 19**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On motion of Senator Dempsey, the Senate adjourned until 4:00 p.m., Monday, February 7, 2011.

SENATE CALENDAR

SIXTEENTH DAY—MONDAY, FEBRUARY 7, 2011

FORMAL CALENDAR**SECOND READING OF SENATE BILLS**

SB 189-Schmitt	SB 201-Crowell
SB 190-Pearce	SB 202-Crowell
SB 191-Pearce	SB 203-Schmitt, et al
SB 192-Pearce	SB 204-Dempsey, et al
SB 193-Pearce	SB 205-Stouffer
SB 194-Pearce	SB 206-Purgason
SB 195-Stouffer	SB 207-Lager
SB 196-Cunningham	SB 208-Lager
SB 197-Ridgeway	SB 209-Lager
SB 198-Crowell	SB 210-Lembke
SB 199-Crowell	SB 211-Lembke
SB 200-Crowell	SB 212-Lembke

HOUSE BILLS ON SECOND READING

HCS for HB 45
HCS for HBs 73 & 47

HCS for HB 163

SENATE BILLS FOR PERFECTION

SB 33-Stouffer
SB 8-Goodman, with SCS

SB 18-Schmitt, with SCS
SB 19-Schmitt, with SCS

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

SR 178-Purgason

SR 179-Purgason

✓

Journal of the Senate

FIRST REGULAR SESSION

SIXTEENTH DAY—MONDAY, FEBRUARY 7, 2011

The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

“Blessed be god because he has not rejected my prayers or removed his steadfast love from me.” (Psalm 66:20)

Merciful God, we give You thanks for this new day and new week and Your willingness to listen to our prayers. Hear us now in Your steadfast love that our work may be pleasing to You and our lives reflect Your will for us. Hear us as we give thanks for our safe travel and opportunity to do the work You have called us to do. And bless us and watch over us this day. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Tuesday, February 1, 2011 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Schaefer offered Senate Resolution No. 180, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Carroll Dean Roberts, Columbia, which was adopted.

Senator Mayer offered Senate Resolution No. 181, regarding D & S Drug and Soda Fountain, Dexter, which was adopted.

Senator Mayer offered Senate Resolution No. 182, regarding Holden Pallet, Inc., Dexter, which was adopted.

Senator Mayer offered Senate Resolution No. 183, regarding Heartland Furniture & Appliance Sales & Leasing, LLC, Dexter, which was adopted.

Senator Mayer offered Senate Resolution No. 184, regarding the Dexter Bearcat Booster Club, which was adopted.

Senator Mayer offered Senate Resolution No. 185, regarding Mary Ruth Boone, which was adopted.

Senator Parson offered Senate Resolution No. 186, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bernard Newton, Sedalia, which was adopted.

Senator Kehoe offered Senate Resolution No. 187, regarding the Eightieth Birthday of Helen Scherr, Jefferson City, which was adopted.

Senator Kehoe offered Senate Resolution No. 188, regarding Barbara Graham, Jefferson City, which was adopted.

Senator Kehoe offered Senate Resolution No. 189, regarding Thomas H. Holt, Jefferson City, which was adopted.

Senator Nieves offered Senate Resolution No. 190, regarding the One Hundredth Birthday of Raphael "Ray" Donner, St. Clair, which was adopted.

Senator Lembke offered Senate Resolution No. 191, regarding Thomas P. O'Driscoll, Saint Louis, which was adopted.

Senator Nieves offered Senate Resolution No. 192, regarding Sabrina Dawn Reed, Wildwood, which was adopted.

Senator Munzlinger offered Senate Resolution No. 193, regarding the Missouri Farm Bureau, which was adopted.

Senator Munzlinger offered Senate Resolution No. 194, regarding Stephen W. Hendren, Hannibal, which was adopted.

Senator Schmitt offered Senate Resolution No. 195, regarding Christian Family Services, Inc., Webster Groves, which was adopted.

Senator Schmitt offered Senate Resolution No. 196, regarding Dave Sanders, Webster Groves, which was adopted.

Senator Schmitt offered Senate Resolution No. 197, regarding Embroider the Occasion, Webster Groves, which was adopted.

Senator Schmitt offered Senate Resolution No. 198, regarding Andy Jones, Webster Groves, which was

adopted.

Senator Munzlinger offered Senate Resolution No. 199, regarding the Ninetieth Birthday of Mary Louise Baxter, Memphis, which was adopted.

Senator Munzlinger offered Senate Resolution No. 200, regarding Kathryn A. Coon, Bethel, which was adopted.

Senator Mayer offered Senate Resolution No. 201, regarding Caleb Earl Johns, Dudley, which was adopted.

Senator Ridgeway offered Senate Resolution No. 202, regarding the city of Gladstone and the Friends of Atkins-Johnson, which was adopted.

Senator Brown offered Senate Resolution No. 203, regarding Sergeant Joe Feick, Fort Leonard Wood, which was adopted.

Senator Purgason offered Senate Resolution No. 204, regarding Faith Masterson, Huggins, which was adopted.

Senator Purgason offered Senate Resolution No. 205, regarding Kayla L. Wells, Cabool, which was adopted.

Senator Engler offered Senate Resolution No. 206, regarding Modern Woodmen Club 4911-1, Ellington, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 213—By Schaefer.

An Act to repeal sections 475.060 and 475.061, RSMo, and to enact in lieu thereof twenty-six new sections relating to guardianship.

SB 214—By Schaaf.

An Act to amend chapter 431, RSMo, by adding thereto one new section relating to restrictive physician employment covenants.

SB 215—By Schaaf.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to prompt credentialing act.

SB 216—By Schaaf.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to student athlete brain injuries.

SB 217—By Richard and Schmitt.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to tax incentives for data storage centers.

SB 218—By Wasson.

An Act to repeal section 478.170, RSMo, and to enact in lieu thereof four new sections relating to

judicial circuits.

SB 219—By Wasson.

An Act to repeal section 362.111, RSMo, and to enact in lieu thereof one new section relating to international transactions.

SB 220—By Wasson.

An Act to repeal section 429.015, RSMo, and to enact in lieu thereof one new section relating to liens for architects, professional engineers, land surveyors, and landscape architects.

SB 221—By Cunningham.

An Act to repeal sections 213.111 and 287.780, RSMo, and to enact in lieu thereof two new sections relating to damages in discrimination cases.

SB 222—By Cunningham.

An Act to repeal sections 294.021, 294.022, 294.024, 294.027, 294.030, 294.040, 294.045, 294.051, 294.054, 294.060, 294.070, 294.080, 294.090, and 294.100, RSMo, and to enact in lieu thereof two new sections relating to child labor.

SB 223—By Mayer.

An Act to repeal section 181.060, RSMo, and to enact in lieu thereof two new sections relating to public library district sales taxes.

SB 224—By Stouffer.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to property tax relief for the alleviation of blight in certain counties.

REPORTS OF STANDING COMMITTEES

President Pro Tem Mayer assumed the Chair.

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 11**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 1**, begs leave to report that it has examined the same and finds that the concurrent resolution has been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF CONCURRENT RESOLUTIONS

The President Pro Tem announced that all other business would be suspended and **SCR 1**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the concurrent resolution would be signed by the President Pro Tem to the end that it may become law. No objections being made, the concurrent resolution was so read by the Secretary and signed by the President Pro Tem.

**CONCURRENT RESOLUTIONS
DELIVERED TO THE GOVERNOR**

SCR 1, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

Senator Pearce assumed the Chair.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 3, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Bassem F. Armaly, 1711 Line Avenue, Rolla, Phelps County, Missouri 65401, as a member of the Board of Boiler and Pressure Vessel Rules, for a term ending September 28, 2010, and until his successor is duly appointed and qualified; vice, Bassem F. Armaly, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 3, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Charlie Ausfahl, Democrat, 7165 S. Silver Drive, Fulton, Callaway County, Missouri 65251, as a member of the State Soil and Water District Commission, for a term ending August 15, 2012, and until his successor is duly appointed and qualified; vice, Charlie Ausfahl, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 3, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Virginia A. Beatty, 6736 State Road UU, Fulton, Callaway County, Missouri 65251, as a member of the Organ Donation Advisory Committee, for a term ending January 1, 2015, and until her successor is duly appointed and qualified; vice, Virginia A. Beatty, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 3, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michelle R. Bernth, Independent, 528 Queens Court Place, Saint Peters, Saint Charles County, Missouri 63376, as a member of the Air Conservation Commission, for a term ending October 13, 2013, and until her successor is duly appointed and qualified; vice, Michelle R. Bernth, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 3, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Tamara Burlis, 1834 Hollow Tree Court, Chesterfield, Saint Louis County, Missouri 63017, as a member of the Advisory Commission for Physical Therapists, for a term ending October 1, 2013, and until her successor is duly appointed and qualified; vice, Tamara Burlis, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 3, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Archie Camden, 322 Rue Terre Bonne, Bonne Terre, St. Francois County, Missouri 63628, as a member of the State Board of Embalmers and Funeral Directors, for a term ending September 1, 2011, and until his successor is duly appointed and qualified; vice, Archie Camden, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 3, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

William Dalton, Democrat, 2336 East Glenwood, Springfield, Greene County, Missouri 65804, as a member of the State Environmental Improvement and Energy Resources Authority, for a term ending January 22, 2012, and until his successor is duly appointed and qualified;

vice, William Dalton, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 3, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Thomas Davis, 13308 East 93rd Street, Kansas City, Jackson County, Missouri 64138, as a member of the Behavior Analyst Advisory Board, for a term ending January 4, 2013, and until his successor is duly appointed and qualified; vice, Thomas Davis, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 3, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Deborah S. Fritz, 13544 Highway KK, Marshfield, Webster County, Missouri 65706, as a member of the Missouri State Board of Accountancy, for a term ending July 1, 2013, and until her successor is duly appointed and qualified; vice, Deborah S. Fritz, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 3, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Christopher A. Gordon, 123 Couch Avenue, Kirkwood, Saint Louis County, Missouri 63122, as a member of the State Historical Records Advisory Board, for a term ending November 01, 2012, and until his successor is duly appointed and qualified; vice, Christopher A. Gordon, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 3, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Joan M. Keiser, 3676 South Broadway, Springfield, Greene County, Missouri 65807, as a member of the Organ Donation Advisory Committee, for a term ending January 1, 2015, and until her successor is duly appointed and qualified; vice, Joan M. Keiser, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 3, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Patrice L. Komoroski, Independent, 65 West Meath Ring, Saint Charles, Saint Charles County, Missouri 63304, as a member of the Missouri Board for Respiratory Care, for a term ending April 3, 2012, and until her successor is duly appointed and qualified; vice, Patrice L. Komoroski, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 3, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

William A. Krodinger, Independent, 866 Craig Forest Lane, Kirkwood, Saint Louis County, Missouri 63122, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 2012, and until his successor is duly appointed and qualified; vice, William A. Krodinger, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 3, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Patrick Lamping, Democrat, 2164 Timber Lane, Barnhart, Jefferson County, Missouri 63012, as a member of the Missouri Development Finance Board, for a term ending September 14, 2012, and until his successor is duly appointed and qualified; vice, Patrick Lamping, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 3, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Kecia Leary, 609 N. Jerico, Nixa, Christian County, Missouri 65714, as a member of the MO HealthNet Oversight Committee, for a term ending October 30, 2011, and until her successor is duly appointed and qualified; vice, Kecia Leary, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 3, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jessa R. Love, 5555 East Mount Zion Church Road, Hallsville, Boone County, Missouri 65255, as a member of the Behavior Analyst Advisory Board, for a term ending January 4, 2014, and until her successor is duly appointed and qualified; vice, Jessa R. Love, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 3, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Sarah R. Maguffee, Democrat, 3705 Dublin Avenue, Columbia, Boone County, Missouri 65203, as a member of the Health and Educational Facilities Authority, for a term ending July 30, 2013, and until her successor is duly appointed and qualified; vice, Sarah R. Maguffee, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 3, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Pamela L. Marshall, 4280 Washington Boulevard, Saint Louis City, Missouri 63108, as a member of the State Board of Pharmacy, for a term ending September 24, 2015, and until her successor is duly appointed and qualified; vice, Pamela L. Marshall, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 3, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Betty Marver, 4100 Forest Park #311, Saint Louis City, Missouri 63108, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2013, and until her successor is duly appointed and qualified; vice, Betty Marver, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 3, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Bridget M. McCandless, 4801 South Maybrook Court, Independence, Jackson County, Missouri 64055, as a member of the MO HealthNet Oversight Committee, for a term ending October 30, 2012, and until her successor is duly appointed and qualified; vice, Bridget M. McCandless, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 3, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Dianne Modrell, Democrat, 12987 Burning Bush Court, Saint Louis, Saint Louis County, Missouri 63146, as a member of the State Committee of Marital and Family Therapists, for a term ending October 8, 2015, and until her successor is duly appointed and qualified; vice, Dianne Modrell, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 3, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Carmen D. Parker-Bradshaw, 1600 E. Olive Street, Springfield, Greene County, Missouri 65802, as a member of the MO HealthNet Oversight Committee, for a term ending October 30, 2011, and until her successor is duly appointed and qualified; vice, Carmen D. Parker-

Bradshaw, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 3, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Sara Parker Pauley, 5701 East Claysville Road, Hartsburg, Boone County Missouri, 65039, as Director of the Department of Natural Resources, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 3, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jeff Schaeperkoetter, Democrat, 5014 Willowby Drive, Jefferson City, Cole County, Missouri 65109, as a member of the State Tax Commission, for a term ending January 23, 2012, and until his successor is duly appointed and qualified; vice, Jeff Schaeperkoetter, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 3, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Reuben Shelton, Democrat, 5155 Westminster Place, Saint Louis City, Missouri 63108, as a member of the Missouri Development Finance Board, for a term ending September 14, 2014, and until his successor is duly appointed and qualified; vice, Reuben Shelton, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 3, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Betty Skinner, 1120 S. 18th Street, Saint Louis City, Missouri 63104, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2013, and until her successor is duly appointed and qualified; vice, Betty Skinner, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 3, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Thomas Strong, Independent, 3967 Eaglescliffe Drive, Springfield, Greene County, Missouri 65809, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2012, and until his successor is duly appointed and qualified; vice, Thomas Strong, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 3, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Deron Sugg, Democrat, 805 Mississippi Avenue, Crystal City, Jefferson County, Missouri 63019, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2013 and until his successor is duly appointed and qualified; vice, Deron Sugg, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 3, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Ingrid D. Taylor, 900 South Hanley, Unit 14B, Clayton, Saint Louis County, Missouri 63105, as a member of the MO HealthNet Oversight Committee, for a term ending October 30, 2011, and until her successor is duly appointed and qualified; vice, Ingrid D. Taylor, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 3, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Alan H. Wells, 1415 Highway H, Farmington, Saint Francois County, Missouri 63640, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2012 and until his successor is duly appointed and qualified; vice, Alan H. Wells, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 3, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Marvin Wright, 1200 Danforth Drive, Columbia, Boone County, Missouri 65201, as a member of the Missouri Higher Education Loan Authority, for a term ending October 22, 2014, and until his successor is duly appointed and qualified; vice, Marvin Wright, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 3, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michael A. Zito, 851 North Glebe Road, Unit 1809, Arlington, Arlington County, Virginia 22203, as a member of the Truman State University Board of Governors, for a term ending January 1, 2016, and until his successor is duly appointed and qualified; vice, Michael A. Zito, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Mayer referred the above appointments to the Committee on Gubernatorial Appointments.

REFERRALS

President Pro Tem Mayer referred **SR 178** and **SR 179** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Mayer referred **SCS** for **SB 11** to the Committee on Ways and Means and Fiscal Oversight.

SENATE BILLS FOR PERFECTION

At the request of Senator Stouffer, **SB 33** was placed on the Informal Calendar.

At the request of Senator Goodman, **SB 8**, with **SCS**, was placed on the Informal Calendar.

Senator Schmitt moved that **SB 18**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 18**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 18**

An Act to repeal section 147.010, RSMo, and to enact in lieu thereof one new section relating to limits upon corporate franchise tax liabilities.

Was taken up.

Senator Schmitt moved that **SCS** for **SB 18** be adopted.

President Kinder assumed the Chair.

Senator Pearce assumed the Chair.

Senator Schmitt moved that **SCS** for **SB 18** be adopted, which motion prevailed.

On motion of Senator Schmitt, **SCS** for **SB 18** was declared perfected and ordered printed.

Senator Schmitt moved that **SB 19**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 19**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 19**

An Act to repeal section 147.010, RSMo, and to enact in lieu thereof one new section relating to the phase-out of the corporate franchise tax.

Was taken up.

Senator Schmitt moved that **SCS** for **SB 19** be adopted.

Senator Schmitt offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 19, Page 2, Section 147.010, Lines 33-34, by striking the following: "but before January 1, 2012," and inserting in lieu thereof the following: "**but ending before December 31, 2011,**"; and further amend line 37, by striking the following: "but before January 1, 2016," and inserting in lieu thereof the following: "**but ending before December 31, 2015,**".

Senator Schmitt moved that the above amendment be adopted.

At the request of Senator Schmitt, **SA 1** was withdrawn.

Senator Schmitt offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 19, Page 1, Section 147.010, Line 18, by

inserting immediately after the word “state” the following: **“exceed”**; and

Further amend said bill and section, page 2, line 34, by striking the words “January 1, 2012,” and inserting in lieu thereof the following: **“December 31, 2011,”**; and

Further amend said bill, section, and page, line 37, by striking the words “January 1, 2016,” and inserting in lieu thereof the following: **“December 31, 2015,”**

Further amend said bill, section, and page, line 40, by inserting immediately after the word “revenue” the following:

“For all taxable years beginning on or after January 1, 2011 but before December 31, 2015, a corporation's annual tax liability under this chapter shall not exceed the amount of annual franchise tax liability of such corporation for the taxable year ending on or before December 31, 2010. If the corporation had no annual franchise tax liability under this chapter for the taxable year ending on or before December 31, 2010, because such corporation was not in existence or doing business in Missouri, the annual franchise tax for the first taxable year in which such corporation exists shall be determined by applying the applicable rate of tax provided under the provisions of this subsection to the corporation's outstanding shares and surplus if the outstanding shares and surplus exceed ten million dollars, but in no case shall such corporation's tax liability for any subsequent taxable year exceed the amount of annual franchise tax liability of such corporation for the first full taxable year such corporation was in existence or doing business in Missouri.”.

Senator Schmitt moved that the above amendment be adopted, which motion prevailed.

Senator Stouffer assumed the Chair.

Senator Crowell offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 19, Page 1, In the Title, Line 3, by striking all of said line and inserting in lieu thereof the following: “to taxation.”; and

Further amend said bill, Section 147.010, page 4, line 102, by inserting after all of said line the following:

“[145.009. Sections 145.011 to 145.995 shall become effective January 1, 1981, but it shall apply only with respect to decedents dying on or after January 1, 1981. The repeal of the provisions of chapter 145 shall become effective January 1, 1981, but it shall not affect any decedents dying before January 1, 1981, in any respect, including, but not limited to, the determination of tax, interest, penalties, procedures, and periods of limitations.]

[145.011. A tax is imposed on the transfer of every decedent's estate which consists in whole or in part of property having a tax situs within the state of Missouri. The Missouri estate tax shall be the maximum credit for state death taxes allowed by Internal Revenue Code Section 2011 but not less than the maximum credit for state death taxes allowable to the estate of a decedent against the federal estate tax by Section 2011 or any other provision of the laws of the United States.]

[145.041. If the decedent's estate contains property having a tax situs not within the state of Missouri, then the tax determined by section 145.011 shall be reduced to an amount determined

by multiplying the tax by a fraction whose numerator is the gross estate excluding all property having a tax situs not within the state of Missouri at the decedent's death and whose denominator is the gross estate. In determining the fraction, no deductions shall be considered and the gross estate shall not be reduced by a mortgage or other indebtedness for which the decedent's estate is not liable.]

[145.051. The liability imposed by sections 145.011 to 145.995 shall be paid by the executor.]

[145.091. Any term used in sections 145.011 to 145.995 shall have the same meaning as when used in a comparable context in the laws of the United States, unless a different meaning is clearly required by the provisions of sections 145.011 to 145.995. Any reference in sections 145.011 to 145.995 to the Internal Revenue Code or other laws of the United States shall mean the Internal Revenue Code of 1954, and amendments thereto, and other provisions of the laws of the United States, as they may be or become effective, at any time or from time to time.]

[145.101. 1. "Executor" means the executor or administrator of the decedent, or, if there is no executor or administrator, then any person in actual or constructive possession of any property of the decedent.

2. "Nonresident" means an individual who is not a resident.

3. "Resident" means an individual who is domiciled in this state at the time of death.

4. "State" means any state or territory of the United States and the District of Columbia.]

[145.102. Property shall have a tax situs within the state of Missouri if:

(1) It is real estate or tangible personal property and has actual situs within the state of Missouri; or

(2) It is intangible personal property and the decedent was a resident.]

[145.201. When the director of revenue claims that a decedent was domiciled in this state at the time of his death and the taxing authorities of another state or states make a like claim on behalf of their state or states, the director may make a written agreement of compromise with the other taxing authorities and the executor that a certain sum shall be accepted in full satisfaction of any and all death taxes imposed by this state, including any interest or penalties to the date of filing the agreement. The agreement shall also fix the amount to be accepted by the other states in full satisfaction of death taxes. The executor is hereby authorized to make such agreement. The director shall assess the agreed tax and the tax shall be deemed conclusively fixed as therein provided. Unless the tax is paid within ninety days after filing the agreement, interest shall accrue upon the amount fixed in the agreement from the time of the decedent's death.]

[145.301. If an executor or other fiduciary receives a discharge pursuant to Internal Revenue Code Section 2204 (a) or (b) and if the fiduciary makes written application to the director of revenue for determination of the amount of the tax and discharge from personal liability, the director within two months after receiving satisfactory evidence of the Section 2204 discharge, but not after the expiration of the period prescribed for the assessment of the tax in section 145.711, shall notify the fiduciary of the amount of the tax. The fiduciary, on payment of the amount of which he is notified (other than any amount the time payment of which is extended

under section 145.551), and on furnishing any bond which may be required for any amount for which the time for payment is extended, shall be discharged from personal liability for any deficiency in tax thereafter found to be due and shall be entitled to a receipt or writing showing the discharge.]

[145.481. A tax return with respect to the tax imposed by sections 145.011 to 145.995 shall be made:

(1) With respect to a resident, by every executor who is required to file a federal estate tax return;

(2) With respect to a nonresident, by every executor who is required to file a federal estate tax return if that part of the gross estate having a tax situs within the state of Missouri exceeds ten thousand dollars.]

[145.511. Returns required by section 145.481 shall be filed within nine months after the death of the decedent. A person required to make and file a return under sections 145.011 to 145.995 shall without assessment, notice, or demand, pay any tax due thereon to the director of revenue on or before the date fixed for filing such return (determined without regard to any extension of time for filing the return). The director shall prescribe the place for filing any return, declaration, statement, or other document required pursuant to this chapter and for the payment of any tax.]

[145.551. 1. The director of revenue may grant a reasonable extension of time for payment of tax, or for filing any return, declaration, statement, or other document required by sections 145.011 to 145.995 on such terms and conditions as he may require. No extension for filing any return, declaration, statement or document shall exceed six months.

2. If a taxpayer has been granted an extension of time for filing the federal estate tax return, the filing of a copy of the extension with the director of revenue shall automatically extend the due date of the tax return required by sections 145.011 to 145.995.

3. If a taxpayer has been granted an extension of time for paying any portion of the federal estate tax, the filing of a copy of the extension with the director of revenue shall automatically extend the time for the payment of the tax or a portion of the tax required by sections 145.011 to 145.995 to the applicable limitations specified in Internal Revenue Code Section 2011(c) or 2015. The portion of the Missouri estate tax which is subject to deferral or payable in installments shall be determined by multiplying the total Missouri estate tax payable by a fraction, the numerator of which is the gross value of those assets of the decedent's estate having a taxable situs in Missouri which qualify for deferred or installment payment under Internal Revenue Code Section 6161, 6163, or 6166, and the denominator of which is the gross value of all assets of the decedent's estate having a taxable situs in Missouri. For purposes of this section, the value of property shall be that determined for federal estate tax purposes. Deferred payments and installment payments with interest shall be paid at the same time and in the same manner as payments of the federal estate tax are required to be made under the applicable sections of the Internal Revenue Code. Acceleration of payments under this section shall occur under the same circumstances and in the same manner as provided in Internal Revenue Code Section 6166(g). During such extension, interest shall accrue and become due annually on the Missouri estate tax at the same rate as provided in Section 6601 of Title 26, United States Code for the extension of federal estate taxes

during the same period.

If more than one rate is applicable to amounts owed by a taxpayer under the federal estate tax during such period of extension, the same rates shall apply to the Missouri estate tax, and in the same proportion in which such rates are applicable to the amount owed under the federal estate tax attributable to assets having a taxable situs in Missouri. After the period of extension for the payment of Missouri estate taxes has expired, interest shall accrue as provided in section 143.731.]

[145.552. Unless the decedent otherwise directs by will, if any part of the decedent's gross estate for federal estate tax purposes consists of property the value of which is includable in the gross estate by reason of Internal Revenue Code section 2044, the decedent's estate shall be entitled to recover from the person receiving the property the amount by which the total Missouri estate tax paid exceeds the total Missouri estate tax which would have been payable if the value of such property had not been included in the gross estate. For purposes of this section, if there is more than one person receiving the property, the right of recovery shall be against each such person, based on his pro rata share of the property received. Further, for purposes of this section, interest and penalties attributable to additional Missouri estate tax on property described in this section shall be treated as additional Missouri estate tax which the decedent's estate shall be entitled to recover in accordance with the provisions of this section.]

[145.601. If the amount of a taxpayer's federal taxable estate, adjusted taxable gifts, or credit for state death taxes reported on his federal estate tax return is changed or corrected by the United States Internal Revenue Service or other competent authority, the taxpayer shall report the change or correction within ninety days after the final determination of the change or correction or as otherwise required by the director of revenue. Each report shall state whether and wherein the determination is believed to be erroneous. Any taxpayer filing an amended federal estate tax return shall also file within ninety days thereafter an amended return under sections 145.011 to 145.995 and shall give such information as the director of revenue may require. The imposition of an additional tax by Internal Revenue Code Section 2032A shall constitute a change. The director of revenue may by regulation prescribe exceptions to the requirements of this section as he deems appropriate.]

[145.711. 1. Except as otherwise provided in this section, a notice of deficiency shall be mailed to the taxpayer within three years after the return was filed. No deficiency shall be assessed or collected unless the notice is mailed within the three-year period or the period otherwise fixed.

2. If no return is filed or a false and fraudulent return is filed with intent to evade the tax imposed by sections 145.011 to 145.995, a notice of deficiency may be mailed to the taxpayer at any time.

3. If a taxpayer fails to comply with the requirements of section 145.601 by not reporting a change or correction or by not filing an amended return, a notice of deficiency may be mailed to the taxpayer within one year after the director of revenue shall become aware of the determination. A notice under this subsection shall be limited to the effects on the Missouri estate tax of the issues on which the federal determination is based.

4. If the taxpayer shall, pursuant to section 145.601, report a change or correction or file an amended return or report a change or correction which is treated in the same manner as if it were a deficiency for federal estate tax purposes, the assessment (if not deemed to have been made upon

the filing of the report or amended return) may be made at any time within one year after the report or amended return was filed. A notice under this subsection shall be limited in the manner provided in subsection 3 of this section.

5. Where, before the expiration of the time prescribed in this section for the assessment of a deficiency, both the director of revenue and the taxpayer shall have consented in writing to its assessment after such time, the deficiency may be assessed at any time prior to the expiration of period agreed upon. The period so agreed may be extended by subsequent agreement in writing made before the expiration of the period previously agreed upon.

6. For purposes of this section a return filed before the last day prescribed by law or by regulation promulgated pursuant to law for the filing thereof shall be deemed to be filed on such last day.]

[145.801. 1. A claim for credit or refund of an overpayment of any tax imposed by sections 145.011 to 145.995 shall be filed by the taxpayer within three years from the time the return was filed or two years from the time the tax was paid, whichever of the periods expires the later; or if no return was filed by the taxpayer, within two years from the time the tax was paid. No credit or refund shall be allowed or made after the expiration of the period of limitation prescribed in this subsection for the filing of a claim for credit or refund, unless a claim for credit or refund is filed by the taxpayer within the period.

2. If the claim is filed by the taxpayer during the three-year period prescribed in subsection 1, the amount of the credit or refund shall not exceed the portion of the tax paid within the three years immediately preceding the filing of the claim plus the period of any extension of time for filing the return. If the claim is not filed within the three-year period, but is filed within the two-year period, the amount of the credit or refund shall not exceed the portion of the tax paid during the two years immediately preceding the filing of the claim. If no claim is filed, the credit or refund shall not exceed the amount which would be allowable under either of the preceding sentences, as the case may be, if a claim was filed on the date the credit or refund is allowed.

3. If pursuant to subsection 5 of section 145.711 an agreement for an extension of the period for assessment is made within the period prescribed in subsection 1 of this section for the filing of a claim for credit or refund, the period for filing a claim for credit or for making a credit or refund if no claim is filed, shall not expire prior to six months after the expiration of the period within which an assessment may be made pursuant to the agreement or any extension. The amount of the credit or refund shall not exceed the portion of the tax paid after the execution of the agreement and before the filing of the claim or the making of the credit or refund, as the case may be, plus the portion of the tax paid within the period which would be applicable under subsection 1 of this section if a claim had been filed on the date the agreement was executed.

4. If a taxpayer is required by section 145.601 to report a change or correction which is treated in the same manner as if it were an overpayment for federal estate tax purposes, an amended return or a claim for credit or refund of any resulting overpayment of tax shall be filed by the taxpayer within one year from the time the notice of such change or correction or such amended return was required to be filed with the director of revenue. If the report or amended return required by section 145.601 is not filed within the ninety-day period therein specified, interest on any resulting refund or credit shall cease to accrue after the ninetieth day. The amount

of such credit or refund shall not exceed the amount of the reduction in Missouri estate tax attributable to the effect of the issues on which the federal change or correction or the items amended on the taxpayer's amended federal estate tax return are based.]

[145.846. An application for review of the director of revenue's determination pursuant to sections 145.011 to 145.995 shall be filed by the executor with the administrative hearing commission under section 621.050.]

[145.871. The courts of this state shall recognize and enforce liabilities for estate and transfer taxes lawfully imposed by any state which extends a like comity to this state, and the duly authorized officer of any such state may sue for the collection of such a tax in the courts of this state. A certificate by the secretary of state of the other state that an officer suing for the collection of the tax is duly authorized to collect the tax shall be conclusive proof of such authority. For the purposes of this section, the word "TAXES" shall include additions to tax, interest, and penalties, and liabilities for the taxes, additions to tax, interest, and penalties shall be recognized and enforced by the courts of this state to the same extent that the laws of the other state permit the enforcement in its courts of liability for the taxes, additions to a tax, interest, and penalties due this state under sections 145.011 to 145.995.]

[145.961. 1. The director of revenue shall administer and enforce the tax imposed by sections 145.011 to 145.995 and he is authorized to make such rules and regulations and to require such facts and information to be reported as he may deem necessary to enforce the provisions of sections 145.011 to 145.995.

2. The rules and regulations prescribed by the director of revenue shall follow as nearly as practicable the rules and regulations of the Secretary of the Treasury of the United States. This construction of sections 145.011 to 145.995 will further its purposes to simplify the preparation of tax returns, aid in its interpretation through use of federal precedents, and improve its enforcement.]

[145.971. 1. The director of revenue may prescribe the form and contents of any return or other documents, including a copy of part or all of a federal return, required to be filed under the provisions of sections 145.011 to 145.995.

2. The director of revenue for the purpose of ascertaining the corrections of any return, or for the purpose of making an estimate of any person, shall have power to examine or to cause to have examined, by any agent or representative designated by him for that purpose, any books, papers, records, or memoranda bearing upon the matters required to be included in the return, and may require the attendance of the person rendering the return or any officer or employee of such person, or the attendance of any other person having knowledge in the premises, and may take testimony and require proof material for his information, with power to administer oaths to such person or persons.

3. Reports and returns required to be filed under sections 145.011 to 145.995 shall be preserved for four years and thereafter until the director of revenue orders them destroyed.]

[145.985. Except as otherwise specifically provided in sections 145.011 to 145.995, procedural matters under the provisions of sections 145.011 to 145.995 shall be determined pursuant to and in the manner prescribed in the following sections of the revised statutes of

Missouri, the state income tax law, governing similar procedures thereunder: sections 143.561, 143.571, 143.611, 143.621, 143.631, 143.641, 143.651, 143.661, 143.671, 143.681, 143.691, 143.701, 143.721, 143.731, 143.741, 143.751, 143.771, 143.781, 143.791, 143.811, 143.821, 143.831, 143.841, 143.851, 143.861, 143.881, 143.891, 143.901, and 143.986.]

[145.995. 1. A generation-skipping credit tax is imposed on every generation-skipping transfer which consists in whole or in part of property having a tax situs within the state of Missouri. The Missouri generation-skipping credit tax shall be the maximum credit for state death taxes allowed by Internal Revenue Code, section 2604.

2. The other sections of sections 145.011 to 145.995 shall be applied by substituting:

- (1) "Missouri generation-skipping credit tax" for "Missouri estate tax";
- (2) "Tax imposed by section 145.995" for "tax imposed by section 145.011";
- (3) "Property included in the generation-skipping transfer" for "gross estate";
- (4) "Generation-skipping tax credit" for "credit for state death taxes"; and
- (5) "Federal generation-skipping tax return" for "federal estate tax return".]

[145.1000. Other provisions of this chapter to the contrary notwithstanding, if the federal estate tax imposed pursuant to Section 2011 of the Internal Revenue Code, as amended, is repealed, then no tax shall be imposed on the transfer of a decedent's estate in Missouri. The provisions of this section shall become effective on the same date as the effective date of the repeal of the federal estate tax.]; and

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted.

Senator Schmitt raised the point of order that **SA 3** is out of order as it is not germane to the purpose of the original bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Schmitt moved that **SCS** for **SB 19**, as amended, be adopted, which motion prevailed.

Senator Schmitt moved that **SCS** for **SB 19**, as amended, be declared perfected and ordered printed and requested a roll call vote be taken. He was joined in his request by Senators Justus, Pearce, Richard and Schaefer.

SCS for **SB 19**, as amended, was declared perfected and ordered printed by the following vote:

YEAS—Senators

Brown	Callahan	Crowell	Cunningham	Dempsey	Dixon	Goodman	Keaveny
Kehoe	Kraus	Lager	Lamping	Lembke	Mayer	McKenna	Munzlinger
Nieves	Parson	Pearce	Purgason	Richard	Ridgeway	Rupp	Schaaf
Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—29			

NAYS—Senators

Chappelle-Nadal	Green	Justus—3
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Absent—Senator Engler—1

Absent with leave—Senators—None

Vacancies—1

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 24**.

HOUSE CONCURRENT RESOLUTION NO. 24

BE IT RESOLVED, by the House of Representatives of the Ninety-sixth General Assembly, First Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 2:00 p.m., Wednesday, February 9, 2011, to receive a message from the Honorable William Ray Price, Jr., Chief Justice of the Supreme Court of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Chief Justice of the Supreme Court of the State of Missouri and inform His Honor that the House of Representatives and the Senate of the Ninety-sixth General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that His Honor may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

In which the concurrence of the Senate is respectfully requested.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 189—Jobs, Economic Development and Local Government.

SB 190—Ways and Means and Fiscal Oversight.

SB 191—Education.

SB 192—Health, Mental Health, Seniors and Families.

SB 193—Judiciary and Civil and Criminal Jurisprudence.

SB 194—Jobs, Economic Development and Local Government.

SB 195—Transportation.

SB 196—Judiciary and Civil and Criminal Jurisprudence.

SB 197—General Laws.

SB 198—Ways and Means and Fiscal Oversight.

SB 199—Commerce, Consumer Protection, Energy and the Environment.

SB 200—Governmental Accountability.

SB 201—Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs.

SB 202—Small Business, Insurance and Industry.

SB 203—Jobs, Economic Development and Local Government.

SB 204—Health, Mental Health, Seniors and Families.

SB 205—Financial and Governmental Organizations and Elections.

SB 206—General Laws.

SB 207—Commerce, Consumer Protection, Energy and the Environment.

SB 208—Commerce, Consumer Protection, Energy and the Environment.

SB 209—Commerce, Consumer Protection, Energy and the Environment.

SB 210—Ways and Means and Fiscal Oversight.

SB 211—Judiciary and Civil and Criminal Jurisprudence.

SB 212—Transportation.

COMMUNICATIONS

President Pro Tem Mayer submitted the following:

February 7, 2011

Ms. Terry Spieler
Secretary of the Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

Please be advised that I am hereby appointing Senator Chuck Purgason to the Governmental Accountability Committee.

Please do not hesitate to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
ROBERT N. MAYER
President Pro Tem

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

SEVENTEENTH DAY—TUESDAY, FEBRUARY 8, 2011

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 213-Schaefer
SB 214-Schaaf
SB 215-Schaaf

SB 216-Schaaf
SB 217-Richard and Schmitt
SB 218-Wasson

SB 219-Wasson
SB 220-Wasson
SB 221-Cunningham

SB 222-Cunningham
SB 223-Mayer
SB 224-Stouffer

HOUSE BILLS ON SECOND READING

HCS for HB 45
HCS for HBs 73 & 47

HCS for HB 163

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna
(In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 8-Goodman, with SCS

SB 33-Stouffer

RESOLUTIONS

HCR 24-Jones (89) Dempsey

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Journal of the Senate

FIRST REGULAR SESSION

SEVENTEENTH DAY—TUESDAY, FEBRUARY 8, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Great peace have those who love your law' nothing can make them stumble.” (Psalm 119:165)

Gracious God, You have given us guidelines for living in all that we do. Many of the laws we write flow from Your law in order to help guide and protect lives in Missouri. So we acknowledge Your blessings and give You praise for the work we have to do and the gifts we enjoy each day. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 207, regarding LeadingAge Missouri, Jefferson City, which was adopted.

Senator Parson offered Senate Resolution No. 208, regarding Grace Kelley, Sedalia, which was adopted.

Senator Parson offered Senate Resolution No. 209, regarding Jessica Covert, Halfway, which was adopted.

Senator Parson offered Senate Resolution No. 210, regarding Andrea Jones, Warsaw, which was adopted.

Senator Ridgeway offered Senate Resolution No. 211, regarding James Martin Larson, which was adopted.

Senator Crowell offered Senate Resolution No. 212, regarding the Fifty-seventh Wedding Anniversary of Mr. and Mrs. James D. Priest, Marquand, which was adopted.

Senator Crowell offered Senate Resolution No. 213, regarding Jess Bolen, which was adopted.

CONCURRENT RESOLUTIONS

Senator Dempsey moved that **HCR 24** be taken up for adoption, which motion prevailed.

On motion of Senator Dempsey, **HCR 24** was adopted by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Lager	Lamping	McKenna
Munzlinger	Nieves	Parson	Pearce	Purgason	Richard	Schaaf	Schaefer
Schmitt	Stouffer	Wasson	Wright-Jones—28				

NAYS—Senator Lembke—1**Absent—Senators**

Kraus	Ridgeway	Rupp—3
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Absent with leave—Senator Mayer—1**Vacancies—1****INTRODUCTION OF BILLS**

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 225—By Engler.

An Act to repeal sections 478.010 and 478.320, RSMo, and to enact in lieu thereof three new sections relating to nonpartisan judicial elections, with an effective date for a certain section.

SB 226—By Engler.

An Act to amend chapter 190, RSMo, by adding thereto one new section relating to recall elections for

board members of ambulance districts.

SB 227—By Engler.

An Act to amend chapter 544, RSMo, by adding thereto one new section relating to field tests for controlled substances.

SB 228—By Pearce.

An Act to repeal sections 162.459, 162.471, and 162.492, RSMo, and to enact in lieu thereof three new sections relating to school district board of directors.

SB 229—By Pearce.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to the treatment of eating disorders.

SB 230—By Lager.

An Act to amend chapter 260, RSMo, by adding thereto one new section relating to scrap tires.

SB 231—By Lager, Lembke, Schmitt, Goodman, McKenna, Lamping, Kehoe and Wright-Jones.

An Act to amend chapter 85, RSMo, by adding thereto one new section relating to paid members of any fire department or fire district.

SB 232—By Crowell.

An Act to repeal section 89.145, RSMo, relating to peripheral zoning.

SB 233—By Parson.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health insurance coverage for licensed athletic trainer services.

SB 234—By Dempsey.

An Act to repeal section 143.161, RSMo, and to enact in lieu thereof one new section relating to Missouri dependency exemptions.

SJR 15—By Nieves, Lembke and Purgason.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, relating to state sovereignty.

SENATE BILLS FOR PERFECTION

Senator Stouffer moved that **SB 33** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Schmitt assumed the Chair.

On motion of Senator Stouffer, **SB 33** was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred

SCS for SB 19 and **SCS for SB 18**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

CONCURRENT RESOLUTIONS

Senator Rupp offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 8

WHEREAS, the United States Army Corps of Engineers' five-year study of the Upper Mississippi River Basin, which is everything north of Cairo, Illinois, failed to produce a plan for flood control acceptable to stakeholders; and

WHEREAS, the Mississippi River Commission did recommend Plan H to the United States Congress; and

WHEREAS, the Corps of Engineers has not recommended this plan to the United States Congress, citing the estimated \$6 billion expense of the construction of 500-year levees along these Rivers as not cost effective; and

WHEREAS, the Corps of Engineers additionally determined a need for better data based upon new hydrology and flow studies and the need to study tributaries of the Mississippi River; and

WHEREAS, the Corps of Engineers indicated that ramifications of the additional 500-year levees and their potential to cause additional flooding would need to be determined, and affected populations and communities informed and advised of the potential impact; and

WHEREAS, the affected counties include the Missouri counties of Lincoln, Pike, and St. Charles; and

WHEREAS, Plan H designates only about half of the levees in the Missouri counties of Lincoln, Pike, and St. Charles be raised, while to the north 500-year levees are recommended for both sides of the River; and

WHEREAS, the stakeholders in the Missouri counties of Lincoln, Pike, and St. Charles desire the protections provided by the 500-year levees; and

WHEREAS, Plan H, if implemented, denies the benefits of 500-year levees to those making a living along the Mississippi River, negatively impacting agriculture, transportation, businesses, industries, tourism, hunting, fishing, boating, infrastructure, and residences; and

WHEREAS, over 6,500 citizens have signed petitions opposing Plan H; and

WHEREAS, the Upper Mississippi River Basin should receive funding comparable to funding for the Southern Mississippi River Basin from Cairo, Illinois, to New Orleans, Louisiana:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-sixth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby strongly urge the United States Congress to support a comprehensive plan for the Upper Mississippi River Basin that enhances system-wide flood control without creating adverse impacts on existing levees, levee districts, rural communities, and metropolitan areas. The plan should be based on analysis that quantifies the impact of enhanced flood control measures and acknowledges the importance of keeping agricultural land in production. The proposed Plan H making the Missouri counties of Lincoln, Pike, and St. Charles the lowest points on the Mississippi River levee system is totally unacceptable and we ask the Missouri Congressional delegation to oppose this plan; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for each member of the Missouri Congressional delegation.

Senator Rupp offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 9

Relating to rescinding Missouri's 1983 call for a constitutional convention for the purpose of adopting a balanced budget amendment.

WHEREAS, the Missouri General Assembly, acting with the best of intentions, applied to the Congress of the United States by resolution in accordance with Article V, Constitution of the United States, for a constitutional convention for the purpose of amending the Constitution of the United States; and

WHEREAS, Senate Concurrent Resolution No. 3, was passed by the Eighty-second General Assembly of the State of Missouri in 1983 specifically proposing a constitutional convention for the sole purpose of adopting an amendment requiring a balanced federal budget; and

WHEREAS, over the course of time, the will of the people of the State of Missouri has changed with regards to Missouri's previous call for a constitutional convention to amend the Constitution of the United States; and

WHEREAS, certain persons or states have called for a constitutional convention on issues that may be directly in opposition to the will of the people of this state; and

WHEREAS, the people of this state do not want their previous applications for a constitutional convention to be aggregated with those calls for a convention from other states; and

WHEREAS, former Justice of the United States Supreme Court Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg and many other leading constitutional scholars are in general agreement that a convention, notwithstanding whatever limitation might be placed on it by the call for a convention, may propose sweeping constitutional changes or, by virtue of the authority of a constitutional convention, redraft the Constitution of the United States creating an imminent peril to the well established rights of citizens and to the duties of various levels of government; and

WHEREAS, the Constitution of the United States has been amended many times in the history of this nation and may be amended many more times without the need to resort to a constitutional convention, and has been interpreted for more than two hundred years and found to be a sound document that protects the lives and liberties of citizens; and

WHEREAS, there is no need for, and in fact there is great danger in, a new constitution or in opening the Constitution of the United States to radical changes, the adoption of which could create legal chaos in this nation and begin the process of another two centuries of litigation over its meaning and interpretation; and

WHEREAS, changes or amendments that may be needed in the present Constitution of the United States may be proposed and enacted without resorting to a constitutional convention by using the process provided in the Constitution and previously used throughout the history of this nation:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-sixth General Assembly, First Regular Session, the House of Representatives concurring therein, that the Missouri General Assembly hereby repeals, rescinds, cancels, renders null and void and supersedes any and all existing applications to the Congress of the United States for a constitutional convention under Article V of the Constitution of the United States for any purpose, whether limited or general; and

BE IT FURTHER RESOLVED that the Missouri General Assembly urges the legislature of each and every state that has applied to Congress for either a general or limited constitutional convention to repeal and rescind their applications; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives, the Administrator of General Services in Washington, D.C., each member of Missouri's Congressional delegation, and the Secretaries of State and presiding officers of both houses of the legislatures of each state in the Union.

Read 1st time.

COMMUNICATIONS

President Pro Tem Mayer submitted the following:

February 7, 2011

Ms. Terry Spieler
Secretary of the Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

Please be advised that I am hereby appointing Senator John Lamping to the Financial and Governmental Organizations and Elections Committee.

Please do not hesitate to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
ROBERT N. MAYER
President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Pearce introduced to the Senate, Lt. Colonel Chris Leljedal, Warrensburg.

Senator Schaefer introduced to the Senate, members of the Missouri Athletic Trainers Association.

Senator Munzlinger introduced to the Senate, the Physician of the Day, Dr. Arthur Freeland, M.D., Kirksville.

Senator Munzlinger introduced to the Senate, a group representing Missouri Farm Bureau.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

EIGHTEENTH DAY—WEDNESDAY, FEBRUARY 9, 2011

FORMAL CALENDAR**SECOND READING OF SENATE BILLS**

SB 213-Schaefer	SB 225-Engler
SB 214-Schaaf	SB 226-Engler
SB 215-Schaaf	SB 227-Engler
SB 216-Schaaf	SB 228-Pearce
SB 217-Richard and Schmitt	SB 229-Pearce
SB 218-Wasson	SB 230-Lager
SB 219-Wasson	SB 231-Lager, et al
SB 220-Wasson	SB 232-Crowell
SB 221-Cunningham	SB 233-Parson
SB 222-Cunningham	SB 234-Dempsey
SB 223-Mayer	SJR 15-Nieves, et al
SB 224-Stouffer	

HOUSE BILLS ON SECOND READING

HCS for HB 45	HCS for HB 163
HCS for HBs 73 & 47	

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna (In Fiscal Oversight)	SCS for SB 18-Schmitt
SCS for SB 19-Schmitt	

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 8-Goodman, with SCS

RESOLUTIONS

To be Referred

SCR 8-Rupp

SCR 9-Rupp

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Journal of the Senate

FIRST REGULAR SESSION

EIGHTEENTH DAY—WEDNESDAY, FEBRUARY 9, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“He has told you, O mortal, what is good and what does the Lord require of you but to do justice, and to love kindness and to walk humbly with your God.” (Micah 6:8)

Almighty God, You have required us to make sure justice is practiced in our land and to do all we are capable to assure our people the right to seek protection under the law. So guide us to understand what is needed and that all our bills are the best suited to fulfill Your will. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

Senator Pearce assumed the Chair.

RESOLUTIONS

Senator Parson offered Senate Resolution No. 214, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ralph Buckner, Bolivar, which was adopted.

Senator Stouffer offered Senate Resolution No. 215, regarding James Perkins, Marshall, which was adopted.

Senator Nieves offered Senate Resolution No. 216, regarding Ethan Ben Goforth, St. Clair, which was adopted.

Senator Keaveny offered Senate Resolution No. 217, regarding the Missouri Dermatological Society Association, which was adopted.

Senator Kehoe offered Senate Resolution No. 218, regarding George Paul White, Jefferson City, which was adopted.

Senator Kehoe offered Senate Resolution No. 219, regarding Alvina Collins, Jefferson City, which was adopted.

Senator Munzlinger offered Senate Resolution No. 220, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Robert Ebeling, Wyaconda, which was adopted.

Senator Munzlinger offered Senate Resolution No. 221, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Gerald Thomas, Taylor, which was adopted.

Senator Munzlinger offered Senate Resolution No. 222, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Albert Barnard, Hannibal, which was adopted.

Senator Munzlinger offered Senate Resolution No. 223, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Stephen Wilson, Kahoka, which was adopted.

Senator Schaaf offered Senate Resolution No. 224, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jack Gibbons, which was adopted.

Senator Schaaf offered Senate Resolution No. 225, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Fred L. Organ, which was adopted.

Senator Richard offered Senate Resolution No. 226, regarding Daniel E. “Dan” Scorse, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 235—By Schaefer.

An Act to repeal sections 190.839, 198.439, 208.437, 208.480, 338.550, and 633.401, RSMo, and to enact in lieu thereof six new sections relating to certain provider taxes.

SB 236—By Schaefer.

An Act to amend chapters 338 and 376, RSMo, by adding thereto six new sections relating to pharmacy services, with penalty provisions.

SB 237—By Schaefer and Justus.

An Act to repeal section 484.350, RSMo, and to enact in lieu thereof one new section relating to standards for representation of children by guardians ad litem.

SB 238—By Schmitt, McKenna, Nieves, Goodman, Kehoe, Lamping, Cunningham, Wright-Jones, Engler, Lembke, Richard, Chappelle-Nadal, Callahan, Parson, Justus and Schaefer.

An Act to repeal sections 87.005 and 87.006, RSMo, and to enact in lieu thereof two new sections relating to diseases presumed incurred in the line of duty by firefighters.

SB 239—By Justus, Keaveny, Engler, Wright-Jones and Green.

An Act to repeal sections 213.010, 213.030, 213.040, 213.045, 213.050, 213.055, 213.065, 213.070, and 213.101, RSMo, and to enact in lieu thereof nine new sections relating to human rights.

SB 240—By Justus, Keaveny, Wright-Jones and Green.

An Act to repeal section 160.775, RSMo, and to enact in lieu thereof one new section relating to school safety.

SB 241—By Brown and Wasson.

An Act to repeal sections 144.010, 144.020, 144.030, and 144.070, RSMo, and to enact in lieu thereof four new sections relating to sales tax exemptions for captive wildlife.

SB 242—By Cunningham.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to school enrollment.

SB 243—By Cunningham.

An Act to repeal section 177.088, RSMo, and to enact in lieu thereof two new sections relating to the utilization of resources and services.

SB 244—By Green.

An Act to repeal sections 192.735, 192.737, 192.739, 192.742, 192.745, 199.001, 199.003, 199.007, 199.009, 199.010, 199.029, 199.031, 199.037, 199.039, 199.041, 199.043, and 199.051, RSMo, and to enact in lieu thereof eleven new sections relating to the brain injury advisory council.

SB 245—By Lembke.

An Act to repeal section 208.152, RSMo, and to enact in lieu thereof one new section relating to the inclusion of chiropractic services in the MO HealthNet program.

SB 246—By Lamping and Schmitt.

An Act to amend chapter 348, RSMo, by adding thereto two new sections relating to a tax credit for equity investments in technology-based early stage Missouri companies.

SB 247—By Pearce.

An Act to repeal sections 163.011, 163.031, and 163.037, RSMo, and to enact in lieu thereof two new sections relating to state funding for elementary and secondary education, with an emergency clause.

REPORTS OF STANDING COMMITTEES

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 33**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Mayer referred **SCR 8** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

**SECOND READING OF
CONCURRENT RESOLUTIONS**

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

SCR 9—Rules, Joint Rules, Resolutions and Ethics.

REFERRALS

President Pro Tem Mayer referred **SCS** for **SB 19** and **SB 33** to the Committee on Ways and Means and Fiscal Oversight.

COMMITTEE APPOINTMENTS

President Pro Tem Mayer appointed the following escort committee pursuant to **HCR 24**: Schmitt, Ridgeway, Chappelle-Nadal, Goodman, Schaefer, McKenna, Wright-Jones, Justus and Keaveny.

SENATE BILLS FOR PERFECTION

Senator Goodman moved that **SB 8**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 8**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 8**

An Act to repeal section 287.120, RSMo, and to enact in lieu thereof one new section relating to workers' compensation.

Was taken up.

Senator Goodman moved that **SCS** for **SB 8** be adopted.

Senator Goodman offered **SS** for **SCS** for **SB 8**, entitled:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 8**

An Act to repeal sections 287.020, 287.067, and 287.120, RSMo, and to enact in lieu thereof three new sections relating to workers' compensation.

Senator Goodman moved that **SS** for **SCS** for **SB 8** be adopted.

Senator Schmitt assumed the Chair.

Senator Goodman offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 8, Page 7, Section 287.067, Line 23 of said page, by inserting immediately after “chemical” the following: “, **substance, or material**”; and further amend line 25 of said page, by inserting immediately after the word “consumed” the following: “, **inhaled, or absorbed**”.

Senator Goodman moved that the above amendment be adopted, which motion prevailed.

Senator Schaaf offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 8, Page 8, Section 287.067, Line 1, by inserting after the word “section”, the following:

“**or a disease caused by exposure to cigarette smoke**”.

Senator Schaaf moved that the above amendment be adopted, which motion prevailed.

Senator Goodman moved that **SS** for **SCS** for **SB 8**, as amended, be adopted, which motion prevailed.

On motion of Senator Goodman, **SS** for **SCS** for **SB 8**, as amended, was declared perfected and ordered printed.

RESOLUTIONS

Senator Kraus offered Senate Resolution No. 227, regarding Andrew Gregory Swetnam, Lee’s Summit, which was adopted.

Senator Kraus offered Senate Resolution No. 228, regarding David James Andreasen, Lee’s Summit, which was adopted.

Senator Kraus offered Senate Resolution No. 229, regarding Dominick Joseph Fiorello, Lee’s Summit, which was adopted.

Senator Kraus offered Senate Resolution No. 230, regarding Arthur Sabin Davis, Lee’s Summit, which was adopted.

Senator Kraus offered Senate Resolution No. 231, regarding William Dean Rogers, Lee’s Summit, which was adopted.

Senator Kraus offered Senate Resolution No. 232, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. William E. Evans, which was adopted.

Senator Kraus offered Senate Resolution No. 233, regarding Alan Lloyd Preston, Lee’s Summit, which was adopted.

On motion of Senator Dempsey, the Senate recessed until 1:40 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Pearce.

REPORTS OF STANDING COMMITTEES

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 8**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Dempsey moved that the Senate recess to repair to the House of Representatives to receive the State of the Judiciary Address from the Chief Justice of the Supreme Court, the Honorable William Ray Price, Jr., which motion prevailed.

JOINT SESSION

The Joint Session was called to order by President Pro Tem Mayer.

On roll call the following Senators were present:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Engler	Goodman
Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	Lembke
Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Richard	Ridgeway
Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—30		

Absent—Senators

Purgason Rupp—2

Absent with leave—Senator Crowell—1

Vacancies—1

On roll call the following Representatives were present:

Present—Representatives

Allen	Anders	Asbury	Atkins	Aull	Bahr	Barnes	Bernskoetter
Berry	Black	Brandom	Brattin	Brown 85	Burlison	Carlson	Casey
Cauthorn	Cierpiot	Colona	Conway 14	Conway 27	Cookson	Cox	Crawford
Curtman	Davis	Day	Denison	Dieckhaus	Dugger	Ellinger	Elmer
Entlicher	Faith	Fallert	Fisher	Fitzwater	Flanigan	Fraker	Franklin
Frederick	Fuhr	Gatschenberger	Gosen	Grisamore	Guernsey	Haefner	Hampton
Higdon	Hinson	Hoskins	Hough	Houghton	Hubbard	Hughes	Hummel
Johnson	Jones 63	Jones 89	Jones 117	Kander	Keeney	Kelley 126	Kelly 24
Kirkton	Klippenstein	Koenig	Kratky	Lair	Lampe	Lant	Largent
Lasater	Lauer	Leach	Leara	Lichtenegger	Loehner	Long	Marshall
May	McCaherty	McCann Beatty	McDonald	McGeoghegan	McGhee	McManus	McNeil

Meadows	Molendorp	Montecillo	Nance	Nasheed	Neth	Nichols	Oxford
Peters-Baker	Phillips	Pierson	Pollock	Quinn	Redmon	Reiboldt	Richardson
Riddle	Rowland	Ruzicka	Sater	Schad	Schatz	Schieber	Schieffer
Schneider	Schoeller	Schupp	Shively	Shumake	Sifton	Silvey	Smith 71
Smith 150	Solon	Spreng	Still	Stream	Swearingen	Swinger	Talboy
Taylor	Thomson	Torpey	Wallingford	Walton Gray	Webber	Wells	Weter
White	Wieland	Wright	Wyatt	Zerr	Mr Speaker—142		

Absent and Absent with Leave—Representatives

Brown 50	Brown 116	Carter	Cross	Curls	Diehl	Franz	Funderburk
Harris	Hodges	Holsman	Korman	McNary	Newman	Nolte	Pace
Parkinson	Rizzo	Scharnhorst	Webb	Zimmerman—21			

Vacancies—None

The Joint Committee appointed to wait upon the Chief Justice of the Supreme Court, William Ray Price, Jr., escorted the Chief Justice to the dais where he delivered the State of the Judiciary Address to the Joint Assembly:

2011 State of the Judiciary Address**Chief Justice William Ray Price, Jr.**

Mr. Speaker, Mr. President, Mr. President pro tem, members of the General Assembly: It is my honor to deliver this 38th State of the Judiciary Address.

I never have seen a more challenging time for our state. Regardless of political philosophy, one thing is clear. Significant cuts have been made and will be made to Missouri's budget. To the extent necessary and possible, the courts have shared and will continue to share in budget withholdings without complaint.

The Missouri court system, the third separate but equal constitutional branch of government, operates on less than 2 percent of the state budget. Yet in 2010 we heard more than 171,000 contract cases, 42,000 landlord tenant cases, 17,000 juvenile cases, 12,000 probate cases, 110,000 family and domestic cases, 41,000 felony cases and 115,000 misdemeanor cases. Despite the state's economic condition, whether dipping or hopefully recovering, our work load does not diminish. The court system is a core function of government that must perform, and perform well, for our state to function and thrive.

Don't overlook the obvious. Even in this time of economic challenge, we are still the greatest civilization in the history of human kind; supported by a free market economy that can exist only within the certainty of law. Goods and services can be bought and sold, money can be exchanged, people can plan for the future, but only because they can trust in a fair and impartial court system to protect their property and their rights.

There are two specific concerns I want to talk with you about. I spoke about them last year, and they are still the two most important issues that we face together for the future of Missouri. One calls for action; one does not.

First, we continue to over-incarcerate nonviolent offenders, while we have failed to expand drug courts and other diversionary and reentry programs to capacity. The result is a state that is not as safe as we want it to be and a waste of tax dollars.

From the 1980s, in Missouri and across the nation, we attempted to incarcerate our way out of crime and illegal drug use. We thought just putting people in prison would make them better. We spent billions of dollars and it did not work. We were tough on crime, but we were not smart on crime. Consider these numbers.

In 1982, 612,000 people were behind bars in state prisons across the country. By 2008, that number had risen almost fourfold to 2.3 million people. In 2010, the United States incarcerated a higher share of its population than any other country in the world. The cost has been staggering. State correctional spending, across our country increased from \$11.7 billion, in 1988, to \$47.3 billion in 2008. (*One in 31 The Long Reach of American Corrections*, The Pew Center on the States, www.pewcenteronthestates.org; *The High Budgetary Cost of Incarceration*, Center for Economic and Policy Research, June 2010, www.cepr.net)

In an article published just this January, Stanford law professor Joan Petersilia noted,

What we are seeing today is a growing recognition that our approach to dealing with convicted criminals is simply too costly. Not only is the price too high, but the benefits are too low. The states now spend an estimated \$50 billion on corrections annually, and the growth of these outlays over the past 20 years has outpaced budget increases of nearly all other essential government services, including transportation, higher education, and public assistance. (Beyond the Prison Bubble, *The Wilson Quarterly*, Winter 2011, p.52)

Missouri had 5,953 individuals in state prison in 1982; by 2009 the number had grown fivefold to 30,432, while the population of our state grew only by 21 percent. In that same time period, from 1982 until 2009, our Department of Corrections budget rose from \$55 million to \$665 million.

It costs more than \$16,400 per year to incarcerate an individual, without counting the cost of the prison itself. The cost of building a prison is, at least, \$100 million. For violent criminals, who endanger innocent men, women, and children, there may be little choice. But for many of the 14,700 nonviolent offenders, this prison-based strategy is not working and it is costing us an arm and a leg.

The key measurement of the failure of this strategy is the recidivism rate. That is the number of people who are returned to prison after they have been released. In Missouri, 44.6 percent of nonviolent offenders are reincarcerated within two years of release; 52 percent of nonviolent offenders are reincarcerated within three years; and 58.5 percent of non violent offenders are reincarcerated within five years of release. More than one half of the people released from our penitentiaries are returned within five years.

A real life example of recidivism was the 35-year-old St. Joseph man who was arrested for drunk driving on June 16, 2010, just three hours after he was released from prison. (The Kansas City Star, July 17, 2010)

Punishment is a necessary part of our criminal justice system. But our real goal for nonviolent offenders is to teach them their lesson so they can become productive law abiding members of our society. The goal is not to lock them into a life of crime, to make them permanent wards of the state on an installment program of incarceration after incarceration, at \$16,400 per year. Newt Gingrich wrote this:

The key to public safety and fiscal sanity is not just getting dangerous people off the streets but also making sure that men and women who eventually leave prison have changed and can stay crime-free on the outside. (Atlanta Journal Constitution, March 23, 2010)

Governor Rick Perry of Texas said it this way,

I believe we can take an approach that is both tough and smart ... [T]here are thousands of non-violent offenders in the system whose future we cannot ignore. Let's focus more resources on rehabilitating those offenders so we can ultimately spend less money locking them up again. (www.rightoncrime.com)

It should be absolutely clear that when half of the nonviolent offenders are returned to prison after release, we have not taught them the right lesson. And, the danger of crime – the millions of dollars of cost to the Missouri taxpayer – goes on and on and on.

Over-incarceration of nonviolent offenders has been a big-government, throw-money-at-the-problem strategy that simply did not and does not work. Despite our tough-on-crime rhetoric, it is time we face reality. Prison is the most expensive and least effective strategy for a significant number of nonviolent offenders. All it does is house them in expensive buildings, guard them with state workers, feed and give them health care paid for with precious state dollars and force them to associate with criminals more dangerous than they are. By spending all of our money on prison, there is not enough left to spend on the alcohol and drug treatment and the education and job training, necessary to break their cycle of crime. Proof is in the numbers: 44.6 percent are back in two years, 58.5 percent are back in five years.

A group called Right on Crime; whose members include Grover Norquist, Edwin Meese and William Bennett, said this:

... the corrections system must align incentives with our goals of public safety, victim restitution and satisfaction, and cost-effectiveness, thereby moving from a system that grows when it fails to one that rewards results. (www.rightoncrime.com)

Professor Petersilia said it this way:

It should not come as a surprise to learn that we have a corrections system that does not correct Former prisoners account for an estimated 15 to 20 percent of all arrests among adults. That means thousands of Americans are being victimized every year by criminals who have already done time without experiencing "correction." (Beyond the Prison Bubble, *The Wilson Quarterly*, Winter 2011, p.53)

There is a better way. All across the country, states are turning to cheaper and more effective alternative sanctions than prison for nonviolent offenders.

Drug courts are one of the best examples of tough, effective, local alternatives to prisons. Depending on the study, between 60 and 80 percent of people in prison are there for drug related crimes or have drug or alcohol issues. Study after study, nationally and in Missouri, show

that drug courts are the most effective way to deal with drug and alcohol addicted people at a fraction of the cost of prison. Missouri has more than 9,700 drug court graduates with a minimal recidivism rate.

There are other evidence-based criminal sanction strategies, each matched to the particular risks and characteristics of the offender that also work far less expensively and far more effectively than prison. We need to move from anger-based, prison-focused sentencing that ignores cost and effectiveness to evidence-based alternative sanctions that change troubled lives and focus on results.

With your help, we have expanded drug courts and DWI courts across Missouri. Unfortunately, they are still underfunded by half. We barely have scratched the surface with family drug courts and reentry courts. But I especially want to tell you about two new pilot programs. First, in Jackson, Greene and St. Louis counties and in St. Louis City, we tested a program to divert juveniles from detention facilities. The program reduced detention admissions by approximately 50 percent with better results from the juveniles. The savings from this program will be substantial. We are expanding this program into five additional circuits.

The other pilot program is veterans court. Veterans court focuses on returning veterans whose psychological scars from service lead them to drugs and trouble and sometimes violence when they get home. In St. Louis City, Drug Court Commissioner Jim Sullivan has established a veterans court with 12 participants. Drug Court Commissioner Phil Britt is in the process of establishing a rural veterans court in Butler, Carter, Dunklin, Ripley, Stoddard and Wayne counties with a target population of 20 to 25 veterans. We owe our veterans this kind of help when they need it. But our resources are already stretched thin.

From a moral, a fiscal and a law-and-order perspective, drug courts, DWI courts, juvenile diversion programs, veterans courts, reentry courts and community supervision strategies are better investments of taxpayer money, for their target populations, than prisons.

I want to be absolutely clear. I am not advocating that we reduce prison populations just to save money. Nonviolent offenders are still law breakers, and they will break laws until they learn their lesson. What I am saying is that we need to do a better job teaching nonviolent offenders the right lessons. That takes more than prison, more than slap-on-the-wrist-probation. Drug and alcohol addiction must be broken; discipline and job skills must be learned. When that can be done better, outside of expensive prison walls, that is what we should do. Results matter, public safety matters, taxpayer dollars matter, saving lives and restoring families matter.

I also want to make clear that this is not a management problem at the Department of Corrections. Director Lombardi, his staff, and the probation and parole officers of this state, are excellent and dedicated public servants. Because of their leadership and because of the nearly 3,000 drug court diversions each year, we have avoided building at least two new prisons. That is, at least, \$200 million of avoided costs, just for the buildings; let alone the tens of millions of dollars of operational costs. Missouri has started in the right direction. But we need to go farther and to do better.

The people of America are ready for a change. A poll taken last September showed that 86 percent of Americans agreed that “We have too many low risk, nonviolent offenders in prison. We need alternatives to incarceration that cost less and save our expensive prison space for violent and career criminals.” Eighty-nine percent of Americans agreed that “Ninety-five percent of people in prison will be released. If we are serious about public safety, we must increase access to treatment and job training programs so they can become productive citizens once they are back in the community.” And 84 percent of Americans agreed that “Prisons are a government program, and just like any other government program they need to be put to the cost-benefit test to make sure taxpayers are getting the best bang for their buck.” (*Public Attitudes on Crime and Punishment*, The Pew Center on the States, www.pewcenteronthestates.org)

We need to expand our existing diversionary treatment court programs. We need to require as a condition for early release from prison, education or job training and drug treatment, if needed. We need to establish a more robust program for reentry supervision for those who are released. The reduction in the number of nonviolent offenders in our prisons will more than fund these efforts. We need to be tough and smart on crime.

The second major issue that I want to talk with you about is a fair and impartial judiciary. Solomon is the example of the greatest judge. When he first became King of Israel, the Revised Standard Version of the Bible says he asked the Lord for “an understanding mind to govern thy people, that I may discern between good and evil.” The New Jerusalem Bible and most other translations have Solomon asking for an understanding “heart,” instead.

I never have worried about this difference in translation, because both are true. A good judge needs an understanding mind and an understanding heart to find justice.

It is not easy finding justice. Justice isn’t a physical thing that you can touch or hold or measure. Often it is shaped by the eye of the beholder and, often, relative to the beholder’s particular point of view. What seems just to one may seem unjust to another.

A good judge must have the courage to accept that not all people will see justice as he or she does. Sometimes, a good judge must have the courage to risk the anger of the majority, to protect the rights of the individual – rights that we prize and that are guaranteed by our national

and state constitutions. That is why Alexander Hamilton said the “independence of the judges is ... requisite to guard the Constitution and the rights of individuals.” (The Federalist #78)

Our job is different than yours. You serve the majority. You make broad policy decisions that apply to everyone. You make campaign promises and are expected to uphold them. If something does not work, if it is worded incorrectly, or if the will of the majority changes, you can change your laws year by year.

Our job is more limited. We rule individual case by individual case. Whether it is a case for a business fighting for its economic life, a crippled plaintiff who no longer can support himself, parents fighting for the custody of a loved child, or a person accused of a crime with his liberty or life at stake, we rule individual case by individual case, with each individual having only that one chance for justice. In every case, someone loses. Fairness, impartiality, and a level playing field, not subject to outside influence or manipulation, not dependent upon a preexisting promise, are the absolute necessity.

With this in mind, we need to talk about the Missouri Plan for selecting judges. The plan was adopted by the people of Missouri by initiative petition in 1940. It was in response to the Pendergast political machine’s attempt to control the Supreme Court of Missouri. It was a plan established by the people to protect their courts from political manipulation and control.

For those of you who are new to the legislature, let me explain how the Missouri Plan works. For vacancies on the Supreme Court and the Court of Appeals, there is a seven-member commission. The commission is made up of three lawyers elected by lawyers from the eastern, western and southern districts of the state. The lawyers’ role is to safeguard the professional quality of the candidates. The lawyers serve staggered six-year terms. The commission also has three members who cannot be lawyers, appointed by the governor, again for staggered six-year terms. They evaluate the candidates from the point of view of regular citizens of Missouri. To the extent these commissioners are appointed by the governor, they reflect the political mood of the state. Finally the chief justice of the Supreme Court serves on the commission. In my experience, the chief justice functions neither as a lawyer, nor as a lay person, but as a representative of the judicial system as a whole. The nominating commission for trial judges in Jackson, Clay, Platte, Greene and St. Louis counties and St. Louis City has one fewer lawyer and non-lawyer, and the presiding judge of the local court of appeals replaces the chief justice.

The commission evaluates the applicants. It screens out those who from a legal or any other point of view might not be the best choice to serve as a judge and selects the three candidates the commission believes would be best. The governor may appoint any of the three individuals submitted to him, for any reason. The governor’s appointee begins to serve immediately but is subject to a retention vote of the people at the next general election after a year of service, and again, every 12 years thereafter. Missouri Plan judges are accountable directly to the people.

The brilliance of the Missouri Plan is that it balances the need for legal ability, everyday common sense and responsibility to the people, in a way that preserves the integrity, fairness and impartiality of the judge. We do not campaign. We do not raise money. It also checks the power of all concerned, the lawyers, the citizens, the chief justice, the governor, and most importantly, it allows a very real check and balance to the people by the retention vote.

But, in some ways, the quality of a judge is like the quality of justice. It is perceived in the eye of the beholder, colored by the beholder’s interests and desires. What one person sees as a great appointment may be criticized by another; perhaps not relative to ability, integrity, or fairness, but by a desire for a particular ideological viewpoint and the expectation of a particular type of ruling. The Missouri Plan was created to seek judges of ability, integrity and fairness; not to lock in any particular viewpoint.

There are two alternatives that have been suggested by critics of the Missouri Plan. I am certain that those who suggest these alternatives are sincere in their concerns, but I do not believe that they understand the dangers inherent in their suggested alternatives.

The worst alternative is direct elections of judges. The reason is simple. Money. The amount of money involved in conducting statewide races will destroy the public’s perception, and perhaps the actual integrity, of our judicial system.

As special interest politics have increased, the amount of money directed to judicial elections has skyrocketed. For the 10- year period from 1990 to 1999, \$83.3 million was spent on judicial elections. For the 10-year period from 2000 to 2009, that amount more than doubled to \$206.9 million. (*The New Politics of Judicial Elections: 2000-2009*, The Brennan Center for Justice, www.brennancenter.org)

It is even more shocking that most of this money comes from a small group of big spenders. A study of 29 elections in the nation’s 10 most costly states from 2000 to 2009 showed that the top five contributors in each race invested an average of \$473,000, while the remaining 116,000 contributors averaged just \$850 each. (*The New Politics of Judicial Elections: 2000-2009*, The Brennan Center for Justice, www.brennancenter.org)

There can be no way that this much money from so few people can be good. In fact, a Harris poll released this past September revealed that 70 percent of Americans, both democrats and republicans, believed that campaign contributions have had a significant impact on courtroom

decisions. (The Birmingham News, September 11, 2010)

Remember the *Avery* case from Illinois in which an Illinois Supreme Court justice cast the deciding vote in a \$450 million lawsuit in favor of a company after receiving more than \$1 million in campaign contributions from those connected to the company. Remember the *Massey* case from West Virginia in which a new West Virginia Supreme Court justice cast the deciding vote in a \$50 million lawsuit after the CEO of that company spent approximately \$3 million of independent expenditures to defeat the new judge's opponent.

Big money in judicial elections is a scandal.

I am not naive. There are political and ideological issues that divide our nation and that divide our state. It is our strength as a democracy to allow the full debate and resolution of those issues by and before the people. But that is a process for you to conduct here in the legislative chambers of government. It is not a process to be confused with the fair and just resolution of individual disputes, each case according to its evidence, each case according to the law, each case with fairness and impartiality. Most importantly, each case as the only opportunity for justice for the Missouri citizens involved.

Whether rich, poor, black, white, plaintiff, defendant, individual, corporation, prosecutor, accused, republican, democrat or independent, the people of Missouri deserve justice when they come to court. They deserve a level playing field and a fair chance. They deserve judges who make decisions on evidence and law, not judges who have been influenced by big money contributions from special interests.

Judges who have been bought and paid for have not been the Missouri way since 1940, and they should not be the Missouri way of the future.

Another suggestion is to adopt a plan modeled after the federal system. That, too, is problematic. Federal judges have life tenure and are not subject to retention votes. The federal plan has no commission of lawyers or lay people to filter the candidates regarding legal ability, reputation or simple common sense. It would be a purely political system where only, the governor and senators, are included. I am sure you can imagine the bargaining that might take place, perhaps involving issues wholly unrelated to the nominee. You don't have to imagine the gridlock that takes place when the senate is controlled by one party and the governor is of the other party. In a 2002 speech then attorney general John Ashcroft declared that the federal system "has broken down" because the United States Senate would not act on President Bush's nominees for judges. That may well happen again with President Obama's nominees. Modifications to the federal system might attempt to solve these problems, but they would only increase the uncertainty and risk about how a federal plan might work in Missouri, with untested modifications.

Other, more measured, changes also might be proposed to the Missouri Plan; changes that preserve the structure of the plan, but focus on the political balance of the commissioners, the timing of the commissioners' terms, or the number of nominees on the panel submitted to the governor. Such changes might be less dangerous, but they are still fraught with the risk of unintended consequences. The greater the change, the greater the number of changes, the greater the risk.

In the past two years, the Court has taken great strides to increase the transparency of the Missouri Plan to make it more open to the people. Last year, we amended the rules to release the names of the applicants. This year, we amended the rules to open the interview process to the public, to release the final vote for the panel of nominees and to encourage nominations directly from the public. These changes will allow the people of Missouri to see for themselves how the Missouri Plan works and to see the choices it makes when presenting a panel of nominees to the governor. These are significant and good changes. Both Kansas and Iowa have followed our lead and opened their interviews to the public.

A detailed study published in May 2008 titled, *Is The 'Missouri Plan' Good for Missouri? The Economics of Judicial Selection*, authored by professors Joshua Hall and Russell Sobel, noted:

"A growing literature in economics has found that judicial independence and quality matter for economic growth across countries and states.

Most significantly, they concluded:

"Based on our analysis Missouri's current system is far superior to several of the alternatives such as partisan elections, nonpartisan elections, and gubernatorial appointment with the approval only of some type of executive council." (Policy Study No. 15, Show-Me Institute, May 21, 2008)

Justice is sacred but fragile. It belongs to the people, not to either political party, not to any special interest. A system of justice is necessary to support our economy and to preserve our individual rights and freedoms. A system of justice can exist only so long as the people have trust and confidence that it is fair and impartial. Any proposed change to the Missouri Plan should be considered only with the greatest care and caution. I am afraid that it is more likely that any change may result in more harm than good.

Each of you has been chosen by your fellow citizens to come here and represent them in our government. It is a great honor that they have

bestowed upon you. It is an honor that comes with great responsibility. Do not take for granted your individual importance. What you do will make a difference, not in theory, not in political sound bytes, but in the real lives of real Missourians now and for years to come.

Having served here for nearly 18 years, I understand your sacrifices. I understand some of your pressures. I understand your best intentions. I respect you for your willingness to serve.

I know that each of you want to do your best. I know that each of you want to do what is right and good. It is not my place to advise you on most matters. But preserving a system of justice in Missouri that our people can have faith and confidence in, that cannot be bought, is something right and good; reforming our criminal sentencing practices to save millions and millions of dollars, to break the cycle of addiction and crime, and to make Missouri a safer place is something right and good. It is what should be done. It is something you and your families and all of the people of Missouri can be proud of.

On motion of Senator Dempsey, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by Senator Goodman.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following escort committee to act with a like committee from the Senate pursuant to **HCR 24**. Representatives: Jones (117), Barnes, Elmer, Marshall, Richardson, Sifton, Carlson, Ellinger, Peters-Baker and McManus.

On motion of Senator Dempsey, the Senate recessed until 4:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Schmitt.

SENATE BILLS FOR PERFECTION

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Goodman moved that the vote by which **SS** for **SCS** for **SB 8**, as amended was declared perfected and ordered printed be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Engler	Goodman
Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	Lembke
Mayer	McKenna	Nieves	Parson	Pearce	Purgason	Richard	Ridgeway
Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—30		

NAYS—Senators—None

Absent—Senator Rupp—1

Absent with leave—Senators

Crowell Munzlinger—2

Vacancies—1

Having voted on the prevailing side, Senator Goodman moved that the vote by which **SS** for **SCS** for

SB 8, as amended, was adopted be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Engler	Goodman
Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	Lembke
Mayer	McKenna	Nieves	Parson	Pearce	Purgason	Richard	Ridgeway
Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Crowell Munzlinger—2

Vacancies—1

SS for **SCS** for **SB 8**, as amended, was again taken up.

Senator Goodman offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 8, Page 8, Section 287.120, Line 5 of said page, by inserting immediately after the word “accident” the following: “**or by occupational disease**”; and further amend line 23 of said page, by striking the word “accidental”; and further amend said line by inserting after the word “death” the following: “**by accident or occupational disease**”.

Senator Goodman moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Goodman, **SB 8**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 248—By Parson.

An Act to amend chapter 348, RSMo, by adding thereto one new section relating to business development.

SB 249—By McKenna, Green, Callahan, Richard, Engler and Schmitt.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to the political subdivision construction bidding standards act.

SB 250—By Kehoe.

An Act to repeal section 589.040, RSMo, and to enact in lieu thereof one new section relating to requirements for persons imprisoned by the department of corrections for sexual assault offenses.

SB 251—By Kehoe.

An Act to repeal sections 137.016 and 137.080, RSMo, and to enact in lieu thereof two new sections relating to watercraft.

SB 252—By Kehoe.

An Act to repeal section 620.1039, RSMo, and to enact in lieu thereof one new section relating to tax credits for qualified research expenses related solely to animal and plant sciences.

RESOLUTIONS

Senator Green offered Senate Resolution No. 234, regarding Samuel G. Boyd IV, Florissant, which was adopted.

Senator Kraus offered Senate Resolution No. 235, regarding Maggie Chase, Raytown, which was adopted.

Senator Justus offered Senate Resolution No. 236, regarding Benjamin Jeffries “Ben” Gallagher, Kansas City, which was adopted.

Senator Justus offered Senate Resolution No. 237, regarding Edward James “Ted” Gallagher, Kansas City, which was adopted.

Senator Justus offered Senate Resolution No. 238, regarding Hunter Michael Redmond, Mission Hills, Kansas, which was adopted.

Senator Justus offered Senate Resolution No. 239, regarding Thatcher Hill Anderson, Kansas City, which was adopted.

Senator Justus offered Senate Resolution No. 240, regarding Nathan Michael Kent, Kansas City, which was adopted.

Senator Schaefer offered Senate Resolution No. 241, regarding John Kadlec, Columbia, which was adopted.

Senator Lamping offered Senate Resolution No. 242, regarding Jacob Alexander Hopcraft, St. Louis, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Richard introduced to the Senate, dental hygienist students and faculty from Missouri Southern University, Joplin.

Senator Wright-Jones introduced to the Senate, Ashley Cook.

Senator Kehoe introduced to the Senate, Matt Alsager, Jefferson City.

Senator Dixon introduced to the Senate, Debra Pascali-Bonaro, New Jersey; Summer Eyberg, Rolla; Jessica Solberg, Rebecca Block and Sarah Greek, Springfield; and Halley Watson, St. Louis.

Senator Dixon introduced to the Senate, the Physician of the Day, Dr. James Wolfe, M.D., Springfield.

Senator Kraus introduced to the Senate, Michelle Miller, Carol Kelly and Annette Phillips, representatives of the Independence School District.

On behalf of Senator Pearce, the President introduced to the Senate, Scott Sommer and Matt

Schmeringer, Nevada.

Senator Justus introduced to the Senate, David Byrd, Dave Thomas and Kevin Hornbeck, Kansas City.

Senator Green introduced to the Senate, Brenda Shields, St. Joseph.

Senator Mayer introduced to the Senate, Dr. Lou Sharp and his wife Martha, Dexter.

Senator Wright-Jones introduced to the Senate, members of 100 Blackmen of Metropolitan St. Louis.

Senator Wright-Jones introduced to the Senate, Dorothy Lockard, Eddie Davis, Lonnie Scott, Janet Poppen, David Steward and Jim Webb, St. Louis.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

NINETEENTH DAY—THURSDAY, FEBRUARY 10, 2011

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 213-Schaefer	SB 234-Dempsey
SB 214-Schaaf	SB 235-Schaefer
SB 215-Schaaf	SB 236-Schaefer
SB 216-Schaaf	SB 237-Schaefer and Justus
SB 217-Richard and Schmitt	SB 238-Schmitt, et al
SB 218-Wasson	SB 239-Justus, et al
SB 219-Wasson	SB 240-Justus, et al
SB 220-Wasson	SB 241-Brown and Wasson
SB 221-Cunningham	SB 242-Cunningham
SB 222-Cunningham	SB 243-Cunningham
SB 223-Mayer	SB 244-Green
SB 224-Stouffer	SB 245-Lembke
SB 225-Engler	SB 246-Lamping and Schmitt
SB 226-Engler	SB 247-Pearce
SB 227-Engler	SB 248-Parson
SB 228-Pearce	SB 249-McKenna, et al
SB 229-Pearce	SB 250-Kehoe
SB 230-Lager	SB 251-Kehoe
SB 231-Lager, et al	SB 252-Kehoe
SB 232-Crowell	SJR 15-Nieves, et al
SB 233-Parson	

HOUSE BILLS ON SECOND READING

HCS for HB 45
HCS for HBs 73 & 47

HCS for HB 163

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna (In Fiscal Oversight)
SCS for SB 19-Schmitt (In Fiscal Oversight)

SCS for SB 18-Schmitt
SB 33-Stouffer (In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 8-Goodman, with SCS & SS for SCS
(pending)

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Journal of the Senate

FIRST REGULAR SESSION

NINETEENTH DAY—THURSDAY, FEBRUARY 10, 2011

The Senate met pursuant to adjournment.

Senator Rupp in the Chair.

Reverend Carl Gauck offered the following prayer:

“I will bind up the injured, and I will strengthen the weak, says the Lord.” (Ezekiel 34:16)

Merciful God, we are mindful of those who are in need of Your help, those injured in accidents and from dealing with the snow that fell these several days. We are grateful for those called to clear our roads and assist those needing help. Watch over our travel and bring us safely home so we may do the work You would have us do and give assistance only we can provide. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Engler	Goodman
Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	Lembke
Mayer	McKenna	Nieves	Parson	Pearce	Purgason	Richard	Ridgeway
Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—31	

Absent—Senators—None

Absent with leave—Senators

Crowell Munzlinger—2

Vacancies—1

The Senate observed moments of silence in memory of former State Senator Walt Mueller, Valley Park; and in memory of Elmer Munzlinger, Williamstown.

Senator Dempsey announced that photographers from the Gasconade County Republican were given

permission to take pictures in the Senate Chamber today.

RESOLUTIONS

On behalf of Senator Munzlinger, Senator Dempsey offered Senate Resolution No. 243, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bruce Tague, Wyaconda, which was adopted.

On behalf of Senator Munzlinger, Senator Dempsey offered Senate Resolution No. 244, regarding Dale R. Ludwig, Jefferson City, which was adopted.

Senator Lamping offered Senate Resolution No. 245, regarding James Kerr, Clayton, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 253—By Callahan and Cunningham.

An Act to repeal sections 163.036 and 163.037, RSMo, and to enact in lieu thereof one new section relating to summer school.

SB 254—By Stouffer.

An Act to repeal sections 302.309 and 577.023, RSMo, and to enact in lieu thereof two new sections relating to intoxicated-related traffic offenses, with existing penalty provisions.

SB 255—By Keaveny.

An Act to repeal section 130.011, RSMo, and to enact in lieu thereof two new sections relating to campaign finance.

SB 256—By Kraus.

An Act to repeal sections 135.300, 135.305, 135.307, 135.309, 135.311, 135.313, 135.535, 135.700, 135.750, 137.1018, 143.119, and 620.495, RSMo, and to enact in lieu thereof one new section relating to the repeal of certain tax credit programs.

SB 257—By Kraus.

An Act to repeal section 135.352, RSMo, and to enact in lieu thereof one new section relating to low-income housing tax credits.

SB 258—By Kraus.

An Act to repeal sections 253.550, 253.557, and 253.559, RSMo, and to enact in lieu thereof three new sections relating to the historic preservation tax credit program.

SB 259—By Kraus.

An Act to repeal sections 32.115, 100.286, 100.297, 100.850, 135.150, 135.352, 135.460, 135.487, 135.550, 135.600, 135.967, 143.471, 148.064, 148.400, 253.559, 348.430, 348.432, 348.505, 375.774, 376.745, 376.975, 447.708, 620.1881, and 660.055, RSMo, and to enact in lieu thereof twenty-four new sections relating to the imposition of sunset provisions on certain tax credit programs.

SB 260—By Wasson.

An Act to repeal section 302.302, RSMo, and to enact in lieu thereof four new sections relating to the endangerment of emergency workers, with penalty provisions.

SB 261—By Goodman.

An Act to repeal section 568.040, RSMo, and to enact in lieu thereof one new section relating to the crime of nonsupport, with existing penalty provisions.

SB 262—By Goodman.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to requiring health benefit plans to establish equal out-of-pocket requirements for oral anticancer medications and intravenously administered chemotherapy medications.

SB 263—By Green.

An Act to amend chapter 367, RSMo, by adding thereto one new section relating to pawnbrokers, with penalty provisions.

SB 264—By Rupp.

An Act to repeal sections 128.346 and 128.348, RSMo, and to enact in lieu thereof two new sections relating to the composition of congressional districts.

SB 265—By Rupp.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to an advanced placement incentive grant.

SB 266—By Dempsey.

An Act to repeal section 115.015, RSMo, and to enact in lieu thereof one new section relating to election authorities.

SJR 16—By Goodman.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 5 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to religious freedom.

REPORTS OF STANDING COMMITTEES

Senator Mayer, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Marvin Wright, as a member of the Missouri Higher Education Loan Authority;

Also,

Sara Parker Pauley, as Director of the Department of Natural Resources;

Also,

William Dalton, Democrat, as a member of the State Environmental Improvement and Energy Resources Authority;

Also,

Dianne Modrell, Democrat, as a member of the State Committee of Marital and Family Therapists;

Also,

Reuben Shelton, Democrat, as a member of the Missouri Development Finance Board;

Also,

William A. Krodinger, Independent, as a member of the Missouri Health Facilities Review Committee;

Also,

Ingrid D. Taylor, as a member of the MO HealthNet Oversight Committee;

Also,

Sarah R. Maguffee, Democrat, as a member of the Health and Educational Facilities Authority;

Also,

Patrice L. Komoroski, Independent, as a member of the Missouri Board for Respiratory Care.

Senator Mayer requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Mayer moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

President Pro Tem Mayer assumed the Chair.

Senator Ridgeway, Chairman of the Committee on Health, Mental Health, Seniors and Families, submitted the following report:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 7**, **SB 5**, **SB 74** and **SB 169** begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Engler, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SJR 2**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which

was referred **SB 3**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 61**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 71**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 83**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Schmitt, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following report:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 36**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On behalf of Senator Munzlinger, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, Senator Dempsey submitted the following report:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 113** and **SB 95**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rupp assumed the Chair.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

SB 213—Judiciary and Civil and Criminal Jurisprudence.

SB 214—Health, Mental Health, Seniors and Families.

SB 215—Health, Mental Health, Seniors and Families.

SB 216—Health, Mental Health, Seniors and Families.

SB 217—Jobs, Economic Development and Local Government.

SB 218—Judiciary and Civil and Criminal Jurisprudence.

SB 219—Financial and Governmental Organizations and Elections.

SB 220—General Laws.

SB 221—Commerce, Consumer Protection, Energy and the Environment.

SB 222—General Laws.

SB 223—Jobs, Economic Development and Local Government.

SB 224—Ways and Means and Fiscal Oversight.

SB 225—Financial and Governmental Organizations and Elections.

SB 226—Financial and Governmental Organizations and Elections.

SB 227—Judiciary and Civil and Criminal Jurisprudence.

SB 228—Education.

SB 229—Small Business, Insurance and Industry.

SB 230—Commerce, Consumer Protection, Energy and the Environment.

SB 231—Jobs, Economic Development and Local Government.

SB 232—Jobs, Economic Development and Local Government.

SB 233—Health, Mental Health, Seniors and Families.

SB 234—Health, Mental Health, Seniors and Families.

SB 235—Health, Mental Health, Seniors and Families.

SB 236—Health, Mental Health, Seniors and Families.

SB 237—Judiciary and Civil and Criminal Jurisprudence.

SB 238—Judiciary and Civil and Criminal Jurisprudence.

SB 239—Progress and Development.

SB 240—Progress and Development.

SB 241—Ways and Means and Fiscal Oversight.

SB 242—General Laws.

SB 243—General Laws.

SB 244—Health, Mental Health, Seniors and Families.

SB 245—Health, Mental Health, Seniors and Families.

SB 246—Jobs, Economic Development and Local Government.

SB 247—Education.

SB 248—Jobs, Economic Development and Local Government.

SB 249—Jobs, Economic Development and Local Government.

SB 250—Judiciary and Civil and Criminal Jurisprudence.

SB 251—Ways and Means and Fiscal Oversight.

SB 252—Jobs, Economic Development and Local Government.

SJR 15—General Laws.

COMMUNICATIONS

Senator Keaveny submitted the following:

February 10, 2011

Terry Spieler
Secretary of the Senate
State Capitol
Jefferson City, MO 65101

Dear Ms. Spieler:

For purposes of clarification of subject matter, I respectfully request Senate Bill 61 to be removed from the Consent Calendar.

Sincerely,
/s/ Joseph P. Keaveny
Senator Joseph Keaveny
District 4

INTRODUCTIONS OF GUESTS

Senator Cunningham introduced to the Senate, Diane Buhr, Debbie Smith, Jane Vickery and nineteen students representing Fred Saigh Leadership Group.

Senator Cunningham introduced to the Senate, Ben Swidenski, St. Louis.

On motion of Senator Dempsey, the Senate adjourned until 4:00 p.m., Monday, February 14, 2011.

SENATE CALENDAR

TWENTIETH DAY—MONDAY, FEBRUARY 14, 2011

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 253-Callahan and Cunningham
SB 254-Stouffer
SB 255-Keaveny
SB 256-Kraus

SB 257-Kraus
SB 258-Kraus
SB 259-Kraus
SB 260-Wasson

SB 261-Goodman
SB 262-Goodman
SB 263-Green
SB 264-Rupp

SB 265-Rupp
SB 266-Dempsey
SJR 16-Goodman

HOUSE BILLS ON SECOND READING

HCS for HB 45
HCS for HBs 73 & 47

HCS for HB 163

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna (In Fiscal Oversight)
SCS for SB 19-Schmitt (In Fiscal Oversight)

SCS for SB 18-Schmitt
SB 33-Stouffer (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SBs 7, 5, 74 & 169-Goodman, with SCS
SJR 2-Stouffer

SB 3-Stouffer
SBs 113 & 95-Parson and Engler, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 8-Goodman, with SCS & SS for SCS (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 71-Parson
SB 83-Pearce

SB 36-Lembke

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Journal of the Senate

FIRST REGULAR SESSION

TWENTIETH DAY—MONDAY, FEBRUARY 14, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“You shall love the Lord your God with all your heart, and with all your soul, and with all your mind...You shall love your neighbor as yourself.” (Matthew 22:37, 39)

Lord of Love, each day we greet each other, shake hands most hospitably and that is a good thing to do. Yet on this Valentine's Day let us convey our love to those who mean a lot to us, treating them as we would have them treat us. May we express our love to those You have given us to love and find ways, even though away, that lets our hearts sing to them what they mean to us so that each day is a day of love given and expressed. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 10, 2011 was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Nieves	Parson	Pearce	Purgason	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

Absent—Senators—None

Absent with leave—Senator Munzlinger—1

Vacancies—1

The Lieutenant Governor was present.

Senator Dempsey announced that photographers from Missouri News Horizon were given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

Senator Goodman offered Senate Resolution No. 246, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Junior Pendergraft, Washburn, which was adopted.

Senator Goodman offered Senate Resolution No. 247, regarding Randy Swanson, Kimberling City, which was adopted.

Senator Mayer offered Senate Resolution No. 248, regarding Michael Elder, Malden, which was adopted.

Senator Mayer offered Senate Resolution No. 249, regarding Mark Gregory, Malden, which was adopted.

Senator Wasson offered Senate Resolution No. 250, regarding Cody Cosper, Nixa, which was adopted.

Senator Rupp offered Senate Resolution No. 251, regarding Stephannie Finch, Defiance, which was adopted.

Senator Dempsey offered Senate Resolution No. 252, regarding the St. Louis Gaelic Athletic Club, which was adopted.

Senator Dempsey offered Senate Resolution No. 253, regarding Amy Rogers, St. Charles, which was adopted.

Senator Schaaf offered Senate Resolution No. 254, regarding Logan Ward, which was adopted.

Senator Schaaf offered Senate Resolution No. 255, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Leland Orth, St. Joseph, which was adopted.

Senator Schaaf offered Senate Resolution No. 256, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jerry Milton Sampson, De Kalb, which was adopted.

Senator Schaaf offered Senate Resolution No. 257, regarding Keller Seth Anderson, Parkville, which was adopted.

Senator Schaaf offered Senate Resolution No. 258, regarding Alexander Yoshihara Watson, Parkville, which was adopted.

Senator Schaaf offered Senate Resolution No. 259, regarding Adam David Luton, Parkville, which was adopted.

Senator Schaaf offered Senate Resolution No. 260, regarding Christian Daniel Dunker, Parkville, which was adopted.

Senator Schaaf offered Senate Resolution No. 261, regarding Patrick Kenneth Stifter, which was adopted.

Senator Schaaf offered Senate Resolution No. 262, regarding Quinn Frederick McCollom, which was adopted.

Senator Schaaf offered Senate Resolution No. 263, regarding Michael Patrick Kegin, which was adopted.

Senator Schaaf offered Senate Resolution No. 264, regarding Matthew Christopher Downs, which was adopted.

Senator Richard offered Senate Resolution No. 265, regarding Redings Mill Fire Protection District, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 266, regarding the One Hundred Second Birthday of Daisy Maybell Parker, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 267, regarding McGowan Brothers Development, Saint Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 268, regarding Crown Square Historic Development, LLC, Saint Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 269, regarding Major James Curl, Saint Louis, which was adopted.

Senator Schaefer offered Senate Resolution No. 270, regarding Lieutenant Michael Keating, which was adopted.

Senator Parson offered Senate Resolution No. 271, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. William Robert Noel, Bolivar, which was adopted.

Senator Crowell offered Senate Resolution No. 272, regarding Mr. and Mrs. Joshua E. Ford, which was adopted.

Senator Justus offered Senate Resolution No. 273, regarding Robert Taylor Riggs, Kansas City, which was adopted.

Senator Brown offered Senate Resolution No. 274, regarding Baird Farm, Salem, which was adopted.

Senator Brown offered Senate Resolution No. 275, regarding Duckworth Heritage Farm, Salem, which was adopted.

Senator Schaaf offered Senate Resolution No. 276, regarding Wade Alan Callow, Weston, which was adopted.

Senator Engler offered Senate Resolution No. 277, regarding Daniel Parker, Smithville, which was adopted.

Senator Ridgeway offered Senate Resolution No. 278, regarding Jared Austin Koller, which was adopted.

Senator Ridgeway offered Senate Resolution No. 279, regarding Ryan Jacob Roberts, Kansas City, which was adopted.

Senator Ridgeway offered Senate Resolution No. 280, regarding Henry Marion Biggs, Kansas City, which was adopted.

CONCURRENT RESOLUTIONS

Senator Cunningham offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 10

WHEREAS, Article I of the United States Constitution begins “All legislative powers herein granted shall be vested in a Congress”; and

WHEREAS, the Congress has exceeded the legislative powers granted in the Constitution thereby encroaching on the powers that are “reserved to the states respectively, or to the people” as the Tenth Amendment affirms and the rights “retained by the people” to which the Ninth Amendment refers; and

WHEREAS, this encroachment includes the accumulation of federal debt, which combined with interest represents a future tax, and is of such great proportion that responsibility for its payment will be passed to future, unborn generations of Americans to assume without their consent, thereby disparaging their rights; and

WHEREAS, this encroachment also includes compelling state and local governments to comply with federal laws and regulations without accompanying funding for such mandates; and

WHEREAS, the Constitution should be amended in order to halt federal encroachment and restore a proper balance between the powers of Congress and those of the several states, and to prevent the denial or disparagement of the rights retained by the people:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-sixth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge Congress to adopt an amendment to the United States Constitution that permits the repeal of any federal law or regulation by vote of two-thirds of the state legislatures, and the language of such amendment shall be as follows: “Any provision of law or regulation of the United States may be repealed by the several states, and such repeal shall be effective when the legislatures of two-thirds of the several states approve resolutions for this purpose that particularly describe the same provision or provisions of law or regulation to be repealed”; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of the Missouri Congressional delegation.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 267—By Schaaf.

An Act to amend chapter 197, RSMo, by adding thereto one new section relating to immunizations for hospital employees.

SB 268—By Stouffer.

An Act to repeal section 172.803, RSMo, and to enact in lieu thereof one new section relating to funding for research projects by the University of Missouri board of curators.

SB 269—By Brown.

An Act to repeal sections 29.200, 29.270, and 393.710, RSMo, and to enact in lieu thereof three new sections relating to joint municipal utility commissions.

SB 270—By Kraus.

An Act to repeal sections 65.600 and 115.123, RSMo, and to enact in lieu thereof two new sections relating to dates for conducting elections.

SB 271—By Kraus.

An Act to repeal sections 86.900, 86.1030, 86.1100, 86.1110, 86.1120, 86.1140, 86.1150, 86.1230, 86.1240, 86.1250, 86.1310, 86.1420, 86.1480, 86.1490, 86.1500, 86.1510, 86.1540, 86.1560, 86.1600, 86.1610, and 86.1620, RSMo, and to enact in lieu thereof twenty-one new sections relating to retirement systems of the police department of Kansas City.

SB 272—By Green.

An Act to repeal section 536.087, RSMo, and to enact in lieu thereof one new section relating to appropriations of awards for attorney fees and expenses against a state agency.

SB 273—By Lembke.

An Act to repeal sections 87.120, 87.325, 87.330, 87.335, 87.340, and 87.345, RSMo, and to enact in lieu thereof seven new sections relating to the firemen's retirement system of St. Louis.

SB 274—By Lembke.

An Act to amend chapters 386 and 441, RSMo, by adding thereto two new sections relating to water and sewer services for rental property.

SB 275—By Lembke.

An Act to repeal section 70.695, RSMo, and to enact in lieu thereof one new section relating to deducting certain insurance premiums from allowances paid by the Missouri local government employees' retirement system.

SB 276—By Schaefer.

An Act to amend chapter 33, RSMo, by adding thereto one new section relating to collection of fees by state agencies.

SJR 17—By Lembke.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 25(a) and 25(d) of article V of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the judicial selection process.

Senator Pearce assumed the Chair.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 162**, entitled:

An Act to repeal section 287.120, RSMo, and to enact in lieu thereof one new section relating to workers' compensation.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 46**, entitled:

An Act to repeal section 67.281 as enacted by senate substitute no. 2 for senate committee substitute for house bill no. 103, ninety-fifth general assembly, first regular session, and section 67.281 as enacted by

conference committee substitute for senate bill no. 513, ninety-fifth general assembly, first regular session, and to enact in lieu thereof one new section relating to fire sprinkler system installation.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

February 11, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Joan M. Burger, Democrat, 3512 Crittenden St., Saint Louis City, Missouri 63118, as a member and Chair of the St. Louis City Board of Election Commissioners, for a term ending January 10, 2013, and until her successor is duly appointed and qualified; vice, Eileen McCann, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

February 14, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michael Jones, Democrat, 2 West Pine Court, Saint Louis City, Missouri 63108, as a member of the State Board of Education, for a term ending July 1, 2018, and until his successor is duly appointed and qualified; vice, David G. Liechti, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

February 14, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jack Lary, Republican, 3915 Olive, Apt. 302, City of St. Louis, Missouri 63108, as a member and Secretary of the St. Louis City Board of Election Commissioners, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice,

Jack Lary, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 11, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Benjamin Phillips, Democrat, 4163 Russell Boulevard, Saint Louis City, Missouri 63110, as a member of the St. Louis City Board of Election Commissioners, for a term ending January 10, 2013, and until his successor is duly appointed and qualified; vice, Clarence Dula, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 14, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Martin Rucker, Democrat, 2703 Meadow Ridge Drive, Saint Joseph, Buchanan County, Missouri 64504, as a member of the Board of Probation and Parole, for a term ending April 3, 2016, and until his successor is duly appointed and qualified; vice, Penny Hubbard, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 11, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Andrew Schwartz, Republican, 10 Homeland Place, Saint Louis City, Missouri 63109, as a member of the St. Louis City Board of Election Commissioners, for a term ending January 10, 2013, and until his successor is duly appointed and qualified; vice, Carol Wilson, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 10, 2011

To the Senate of the 96th General Assembly for the State of Missouri:

The following addendum should be made to the appointment of Sara Zorich for the Jackson County Board of Election Commissioners, submitted to you on January 21, 2011. Line 1 should be amended to read:

Sara Zorich, Democrat, 3301 South Elizabeth Avenue, Independence, Jackson County, Missouri

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 14, 2011

To the Senate of the 96th General Assembly for the State of Missouri:

The following addendum should be made to the appointment of Michael Marlo for the Missouri Fire Safety Advisory Board, submitted to you on January 21, 2011. Line 4 should be amended to read:

Gregory Pottberg, RSMo 320.205.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Mayer referred the above appointments and addendums to the Committee on Gubernatorial Appointments.

President Pro Tem Mayer assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Purgason, Chairman of the Committee on Ways and Means and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Ways and Means and Fiscal Oversight, to which was referred **SCS** for **SB 19**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Pearce assumed the Chair.

SENATE BILLS FOR PERFECTION

At the request of Senator Goodman, **SB 7**, **SB 5**, **SB 74** and **SB 169**, with **SCS**, were placed on the Informal Calendar.

Senator Stouffer moved that **SJR 2** be taken up for perfection, which motion prevailed.

Senator Callahan offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Joint Resolution No. 2, Page 1, In the Title, Lines 3-4, of the title, by striking “voter photo identification” and inserting in lieu thereof the following: “elections”; and

Further amend said resolution, Page 1, Section 8, Lines 1 to 7, by striking all of said lines and inserting in lieu thereof the following:

“Section 8. Qualified electors of the state may be enabled by general law to vote in person in advance of election day at all elections by the people according to the following terms:

1. Advance voting may be conducted at such locations as are determined by general law to be necessary or desirable to balance reasonable access to advance voting, accountability, integrity, and security of the election, efficiency in the administration of the election, and appropriate and responsible uses of public funds and other resources. The number of advance voting sites may vary depending on expected voter turnout for an election. A general law that requires election authorities to establish a certain number of advance voting sites based solely on the number of registered voters in an election jurisdiction conflicts with this subsection and is not valid.

2. Votes cast in advance of election day shall not be tabulated before the election day.

3. If a voter identification requirement is provided by general law for in-person voting on election day, persons who desire to vote in advance of election day shall also comply with that identification requirement.

4. The name and other identifying information of persons who vote in advance of the election shall be treated confidentially by election officials and lists of persons who have voted in advance shall not be disclosed to members of the public by election officials during the advance voting period, except as necessary for the administration of the election, for law enforcement, or to comply with a court order requiring disclosure for good cause shown. Election officials may disclose lists with the names or other identifying information for persons who have voted in advance of the election to the public after the advance voting period has closed. This section does not prohibit election officials, election judges, challengers, watchers, or any other member of the public from observing or participating in the election process. This section does not alter or effect any change in any provision of law relating to nondisclosure of how any voter voted and the exceptions thereto.

5. This section shall not apply to absentee voting laws.

6. Any law that conflicts with this section shall not be valid or enforceable.

7. This section is not self-executing. Implementing general laws shall be required before any person may vote in advance of an election. In order to allow election authorities sufficient time to prepare for advance voting if authorized by general law, advance voting shall not be effective for any election held on or before January 1, 2012.

Section 9. A person seeking to vote in person in public elections may be required by general law to identify himself or herself and verify his or her qualifications as a citizen of the United States of America and a resident of the state of Missouri by providing election officials with a form of identification, which may include valid government-issued photo identification. Exceptions to the identification requirement may also be provided for by general law.

Section 10. Different requirements for absentee voting when the voter does not appear before the election authority may be established by general law as may be necessary or desirable in order to accommodate the different purposes and administration requirements of this method of voting.

Section 11. All costs associated with the implementation of advanced voting and the photo

identification requirements relating to voting under sections 8 to 10 of this article shall be paid through an appropriation by the state for those purposes. If there is not a sufficient appropriation of state funds in a fiscal year for either the advanced voting requirements or the photo identification requirements, or both, then both such advanced voting and photo identification requirements shall be in conflict with this section and shall not apply to any election during such fiscal year.

Section 12. If any portion, clause, or phrase of sections 8, 9, 10, and 11 of this article is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, the remaining portions, clauses, and phrases shall be invalid and of no further force or effect.”; and

Further amend said bill and page, section B, lines 1-5, by striking all of said lines, and inserting in lieu thereof the following:

““Shall the Missouri Constitution be amended to establish advance voting procedures and allow the General Assembly to provide by general law for advance voting prior to election day, voter photo identification requirements, and voter requirements based on whether one appears to vote in person by absentee ballot?”.”; and

Further amend the title and preamble accordingly.

Senator Callahan moved that the above amendment be adopted.

Senator Stouffer raised the point of order that **SA 1** is out of order as it goes beyond the scope of the underlying legislation.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Callahan offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Joint Resolution No. 2, Page 1, Section 8, Line 6 by inserting immediately after “identification” as it appears the first time in said line, the following “, **except that the general assembly may not require a person to produce any identification that conforms with United States Public Law 109-13, also known as the REAL ID Act.**”.

Senator Callahan moved that the above amendment be adopted.

Senator Schmitt assumed the Chair.

At the request of Senator Callahan, **SA 2** was withdrawn.

Senator Green offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Joint Resolution No. 2, Page 1, Section 8, Line 6, by inserting immediately after the first use of “identification” the following: “**or fingerprint**”.

Senator Green moved that the above amendment be adopted.

At the request of Senator Stouffer, **SJR 2**, with **SA 3** (pending), was placed on the Informal Calendar.

COMMUNICATIONS

President Pro Tem Mayer submitted the following:

February 10, 2011

Senator Robert Mayer
President Pro Tem
Room 326
Jefferson City, MO 65101

Dear Mr. President:

I am honored to have been assigned to the Senate Standing Committee on Financial and Governmental Organizations and Elections.

However, upon my assignment to that committee, I was told that the weekly meetings are held at 2 PM on Mondays. Presently, the 2 PM meeting time conflicts with other obligations that I have. As a result, I respectfully ask to be removed from my appointment to that committee.

I sincerely thank you for your consideration of this request and am happy to discuss further with you if you would like.

Sincerely,
/s/ John Lamping
Senator John T. Lamping

Also,

February 10, 2011

Ms. Terry Spieler
Secretary of the Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

Please be advised that I am hereby appointing Senator Will Kraus to the Financial and Governmental Organization and Elections Committee.

Please do not hesitate to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
ROBERT N. MAYER
President Pro Tem

Senator Crowell submitted the following:

February 10, 2011

Ms. Terry Spieler
Secretary of Senate
State Capitol Building – Room 325
Jefferson City, Missouri 65101

Dear Madame Secretary:

I respectfully request that the following bills be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

SB 61 (Keaveny) - Requires that two of three commissioners appointed in condemnation cases in St. Louis City, St. Louis County, and Jackson County be real estate brokers or appraisers

SB 71 (Parson) - Eliminates a requirement that banks, savings institutions, and credit unions file a certain notice with the Missouri Real Estate Appraisers Commission

SB 83 (Pearce) - Allows for the sale of deficiency waiver addendums and other similar products with respect to certain loan transactions

SB 36 (Lembke) - Allows employees of certain employers to take a leave of absence for civil air patrol emergency service duty or counter narcotics missions

Sincerely,
/s/ Jason Crowell
Jason G. Crowell
State Senator

President Pro Tem Mayer submitted the following:

February 14, 2011

Senator Jim Lembke
Chairman, Government Accountability Committee
Room 419, State Capitol
Jefferson City, MO 65101

Dear Chairman Lembke:

As you are aware, the Senate recently met in “Rebooting Government” groups to streamline state government. Your group on General Government and the Office of Administration discussed consolidating and terminating property and office space that is leased by the state, as well as continuing to analyze state lease agreements to ensure maximum returns.

It is with that recommendation from your group that pursuant to Senate Rule 28 Section 8, I am requesting that your committee on Government Accountability look into the privatization of the duties, such as building maintenance and repairs, for the Office of Administration.

Sincerely,
/s/ Robert N. Mayer
District 25 Senator

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-FIRST DAY—TUESDAY, FEBRUARY 15, 2011

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 253-Callahan and Cunningham
SB 254-Stouffer
SB 255-Keaveny
SB 256-Kraus
SB 257-Kraus
SB 258-Kraus
SB 259-Kraus
SB 260-Wasson
SB 261-Goodman
SB 262-Goodman

SB 263-Green
SB 264-Rupp
SB 265-Rupp
SB 266-Dempsey
SB 267-Schaaf
SB 268-Stouffer
SB 269-Brown
SB 270-Kraus
SB 271-Kraus
SB 272-Green

SB 273-Lembke
SB 274-Lembke
SB 275-Lembke

SB 276-Schaefer
SJR 16-Goodman
SJR 17-Lembke

HOUSE BILLS ON SECOND READING

HCS for HB 45
HCS for HBs 73 & 47
HCS for HB 163

HB 162-Fisher, et al
HCS for HB 46

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna (In Fiscal Oversight)
SCS for SB 19-Schmitt

SCS for SB 18-Schmitt
SB 33-Stouffer (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 3-Stouffer

SBs 113 & 95-Parson and Engler, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 7, 5, 74 & 169-Goodman, with SCS
SB 8-Goodman, with SCS & SS for SCS
(pending)

SJR 2-Stouffer, with SA 3 (pending)

RESOLUTIONS

To be Referred

SCR 10-Cunningham

✓

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-FIRST DAY—TUESDAY, FEBRUARY 15, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“For whoever finds me finds life and receives favor from the Lord.” (Proverbs 8:35)

Gracious God, give us wisdom to love, desire, seek and serve You with our whole heart. Provide us hope and trust that knows with You there is knowledge about living that the world cannot give. Provide us intelligence about the world we live in so we may be more effective and gracious as we are able. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Dempsey announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 281, regarding the Fifty-fifth Wedding Anniversary of Mr. and Mrs. Roman Dobsch, which was adopted.

Senator Crowell offered Senate Resolution No. 282, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert E. Deneke, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 283, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Larry Cooper, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 284, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Fred Brockmeyer, Scott City, which was adopted.

Senator Crowell offered Senate Resolution No. 285, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Dennis Holland, Benton, which was adopted.

Senator Crowell offered Senate Resolution No. 286, regarding Hull Trucking, Incorporated, Old Appleton, which was adopted.

Senator Crowell offered Senate Resolution No. 287, regarding Mr. and Mrs. Cody C. Bailey, which was adopted.

Senator Purgason offered Senate Resolution No. 288, regarding Wayne Scharnhorst, West Plains, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 277—By Lager.

An Act to repeal section 304.120, RSMo, and to enact in lieu thereof two new sections relating to the use of public roads by motor vehicles.

SB 278—By Munzlinger, Parson and Brown.

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to private nuisances.

SB 279—By Schmitt.

An Act to repeal sections 144.062, 178.760, 178.761, 178.762, 178.763, 178.764, 178.892, 178.893, 178.894, 178.895, 178.896, 620.470, 620.472, 620.474, 620.475, 620.476, 620.478, 620.479, 620.480, 620.481, and 620.482, RSMo, and to enact in lieu thereof ten new sections relating to tax incentives for business development.

SB 280—By Purgason and Lager.

An Act to repeal sections 32.115, 99.1205, 100.286, 100.297, 100.850, 135.010, 135.025, 135.030, 135.150, 135.300, 135.305, 135.307, 135.309, 135.311, 135.313, 135.327, 135.352, 135.460, 135.487, 135.490, 135.535, 135.550, 135.562, 135.575, 135.600, 135.630, 135.700, 135.750, 135.967, 135.1150, 137.1018, 143.119, 143.471, 148.064, 148.400, 208.770, 253.550, 253.557, 253.559, 348.430, 348.432, 348.505, 375.774, 376.745, 376.975, 447.708, 620.495, 620.1881, and 660.055, RSMo, and to enact in lieu thereof thirty-eight new sections relating to tax credits.

Senator Rupp assumed the Chair.

THIRD READING OF SENATE BILLS

SCS for **SB 19**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 19

An Act to repeal section 147.010, RSMo, and to enact in lieu thereof one new section relating to the phase-out of the corporate franchise tax.

Was taken up by Senator Schmitt.

On motion of Senator Schmitt, **SCS for SB 19** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Crowell	Cunningham	Dempsey	Dixon	Engler	Goodman
Keaveny	Kehoe	Kraus	Lager	Lamping	Lembke	Mayer	McKenna
Munzlinger	Nieves	Parson	Pearce	Richard	Ridgeway	Rupp	Schaaf
Schaefer	Schmitt	Stouffer	Wasson—28				

NAYS—Senators

Chappelle-Nadal	Green	Justus	Wright-Jones—4
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Absent—Senator Purgason—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Schmitt, title to the bill was agreed to.

Senator Schmitt moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

REFERRALS

President Pro Tem Mayer referred **SCR 10** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SENATE BILLS FOR PERFECTION

Senator Stouffer moved that **SB 3** be taken up for perfection, which motion prevailed.

Senator Green offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 3, Page 1, Section A, Line 3, by inserting immediately after all of said line the following:

“115.085. No person shall be appointed to serve as an election judge who is not a registered voter in this state **unless the person is under the age of eighteen years and over the age of fifteen year and six**

months and is otherwise qualified to serve as an election judge; provided that, before any election authority may appoint judges who are registered voters of another election authority's jurisdiction, the election authority shall obtain the written consent of the election authority for the jurisdiction where the prospective judges are registered to vote. Each election judge shall be a person of good repute and character who can speak, read, and write the English language. No person shall serve as an election judge at any polling place in which his or her name or the name of a relative within the second degree, by consanguinity or affinity, appears on the ballot. However, no relative of any unopposed candidate shall be disqualified from serving as an election judge in any election jurisdiction of the state. No election judge shall, during his or her term of office, hold any other elective public office, other than as a member of a political party committee or township office, except any person who is elected to a board or commission of a political subdivision or special district may serve as an election judge except at a polling place where such political subdivision or special district has an issue or candidate on the ballot. In any county having a population of less than two hundred fifty thousand inhabitants, any candidate for the county committee of a political party who is not a candidate for any other office and who is unopposed for election as a member of the committee shall not be disqualified from serving as an election judge."

And further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Justus offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 3, Page 3, Section 115.427, Line 61, by inserting immediately after the word "for" the following:

"or obtain".

Senator Justus moved that the above amendment be adopted.

Senator Schaaf offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 2

Amend Senate Bill No. 3, Page 3, Section 115.427, Line 61, by inserting immediately after the word "for" the following:

"or obtain"; and further amend said bill, page and section, line 83, by inserting after the word "for" the following:

"or obtain".

Senator Schaaf moved that the above substitute amendment be adopted, which motion prevailed.

Senator Keaveny offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 3, Page 3, Section 115.427, Line 66, by inserting after all of said line the following:

"(5) The voter had his or her driver's license confiscated following arrest or summons for a traffic

or other offense. In order to vote under the provisions of this subdivision, the voter must produce to the election authority a copy of the traffic summons or temporary permit.”.

Senator Keaveny moved that the above amendment be adopted, which motion prevailed.

Senator Wright-Jones offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Bill No. 3, Page 1, In the Title, Line 3 of the title, by striking “voter photo identification, with” and inserting in lieu thereof the following: “elections, with penalty provisions and”; and

Further amend said bill and page, section A, line 3, by inserting immediately after said line the following:

“115.148. 1. Each individual who requests fifty or more voter registration applications from the secretary of state and who is not a deputy registration official, whether such person is making the request on his or her own behalf or on behalf of a group, organization, or some other entity, shall be at least eighteen years of age and shall submit the information required by subsection 2 of section 115.205 before receiving the applications. The secretary of state shall keep this information on file with the number of the voter registration applications supplied to that individual.

2. Any person who knowingly signs any name other than their own to any voter registration application shall be guilty of a class one election offense.

3. The secretary of state shall make available to persons making a request for voter registration applications a computer-based registration training or other registration training in a manner prescribed by the secretary of state. If a request is made on behalf of a group or organization, the training shall be made available to each person who will distribute the voter registration applications provided to that group or organization.

115.205. 1. Any person who is paid or otherwise compensated for soliciting more than ten voter registration applications, other than a governmental entity or a person who is paid or compensated by a governmental entity for such solicitation, shall be registered with the secretary of state as a voter registration solicitor. A voter registration solicitor shall register for every election cycle that begins on the day after the general election and ends on the day of the general election two years later. A voter registration solicitor shall be at least eighteen years of age and shall be a registered voter in the state of Missouri.

2. Each voter registration solicitor shall provide the following information in writing to the secretary of state's office **on a form prescribed by the secretary of state:**

- (1) The name of the voter registration solicitor;
- (2) The residential address, including street number, city, state, and zip code;
- (3) The mailing address, if different from the residential address;
- (4) Whether the voter registration solicitor expects to be paid for soliciting voter registrations;
- (5) If the voter registration solicitor expects to be paid, the identity of the payor; [or]
- (6) **Whether the voter registration solicitor is acting on behalf of a group or organization;**
- (7) **If the voter registration solicitor is acting on behalf of a group or organization, the identity**

of the group or organization; and

(8) The signature of the voter registration solicitor.

3. The solicitor information required in subsection 2 of this section shall be submitted to the secretary of state's office with the following oath and affirmation: "I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT."

4. Any voter registration solicitor who knowingly fails to register with the secretary of state **or who falsely swears to the above oath or affirmation knowing it to be false** is guilty of a class three election offense. Voter registration applications shall be accepted by the election authority if such applications are otherwise valid, even if the voter registration solicitor who procured the applications fails to register with or submits false information to the secretary of state."; and

Further amend said bill, page 14, section 115.430, line 242, by inserting immediately after said line the following:

"115.631. The following offenses, and any others specifically so described by law, shall be class one election offenses and are deemed felonies connected with the exercise of the right of suffrage. Conviction for any of these offenses shall be punished by imprisonment of not more than five years or by fine of not less than two thousand five hundred dollars but not more than ten thousand dollars or by both such imprisonment and fine:

(1) Willfully and falsely making any certificate, affidavit, or statement required to be made pursuant to any provision of sections 115.001 to 115.641 and sections 51.450 and 51.460, including but not limited to statements specifically required to be made "under penalty of perjury"; or in any other manner knowingly furnishing false information to an election authority or election official engaged in any lawful duty or action in such a way as to hinder or mislead the authority or official in the performance of official duties. **Any other provision in this section notwithstanding**, if an individual willfully and falsely makes any certificate, affidavit, or statement required to be made under section 115.155, including but not limited to statements specifically required to be made "under penalty of perjury", such individual shall be guilty of a class C felony, **except that an individual who knowingly signs any name other than his or her own to any voter registration application shall be guilty of a class B felony. Any other provision in this section notwithstanding, if an individual furnishes identification to an election official in order to cast a ballot as required under section 115.427 with the knowledge that such identification is false, such individual shall be guilty of a class B felony;**

(2) Voting more than once or voting at any election knowing that the person is not entitled to vote or that the person has already voted on the same day at another location inside or outside the state of Missouri;

(3) Procuring any person to vote knowing the person is not lawfully entitled to vote or knowingly procuring an illegal vote to be cast at any election;

(4) Applying for a ballot in the name of any other person, whether the name be that of a person living or dead or of a fictitious person, or applying for a ballot in his own or any other name after having once voted at the election inside or outside the state of Missouri;

(5) Aiding, abetting or advising another person to vote knowing the person is not legally entitled to vote or knowingly aiding, abetting or advising another person to cast an illegal vote;

(6) An election judge knowingly causing or permitting any ballot to be in the ballot box at the opening

of the polls and before the voting commences;

(7) Knowingly furnishing any voter with a false or fraudulent or bogus ballot, or knowingly practicing any fraud upon a voter to induce him to cast a vote which will be rejected, or otherwise defrauding him of his vote;

(8) An election judge knowingly placing or attempting to place or permitting any ballot, or paper having the semblance of a ballot, to be placed in a ballot box at any election unless the ballot is offered by a qualified voter as provided by law;

(9) Knowingly placing or attempting to place or causing to be placed any false or fraudulent or bogus ballot in a ballot box at any election;

(10) Knowingly removing any legal ballot from a ballot box for the purpose of changing the true and lawful count of any election or in any other manner knowingly changing the true and lawful count of any election;

(11) Knowingly altering, defacing, damaging, destroying or concealing any ballot after it has been voted for the purpose of changing the lawful count of any election;

(12) Knowingly altering, defacing, damaging, destroying or concealing any poll list, report, affidavit, return or certificate for the purpose of changing the lawful count of any election;

(13) On the part of any person authorized to receive, tally or count a poll list, tally sheet or election return, receiving, tallying or counting a poll list, tally sheet or election return the person knows is fraudulent, forged or counterfeit, or knowingly making an incorrect account of any election;

(14) On the part of any person whose duty it is to grant certificates of election, or in any manner declare the result of an election, granting a certificate to a person the person knows is not entitled to receive the certificate, or declaring any election result the person knows is based upon fraudulent, fictitious or illegal votes or returns;

(15) Willfully destroying or damaging any official ballots, whether marked or unmarked, after the ballots have been prepared for use at an election and during the time they are required by law to be preserved in the custody of the election judges or the election authority;

(16) Willfully tampering with, disarranging, altering the information on, defacing, impairing or destroying any voting machine or marking device after the machine or marking device has been prepared for use at an election and during the time it is required by law to remain locked and sealed with intent to impair the functioning of the machine or marking device at an election, mislead any voter at the election, or to destroy or change the count or record of votes on such machine;

(17) Registering to vote knowing the person is not legally entitled to register or registering in the name of another person, whether the name be that of a person living or dead or of a fictitious person;

(18) Procuring any other person to register knowing the person is not legally entitled to register, or aiding, abetting or advising another person to register knowing the person is not legally entitled to register;

(19) Knowingly preparing, altering or substituting any computer program or other counting equipment to give an untrue or unlawful result of an election;

(20) On the part of any person assisting a blind or disabled person to vote, knowingly failing to cast such person's vote as such person directs;

(21) On the part of any registration or election official, permitting any person to register to vote or to vote when such official knows the person is not legally entitled to register or not legally entitled to vote;

(22) On the part of a notary public acting in his official capacity, knowingly violating any of the provisions of sections 115.001 to 115.627 or any provision of law pertaining to elections;

(23) Violation of any of the provisions of sections 115.275 to 115.303, or of any provision of law pertaining to absentee voting. **Any other provision in this section notwithstanding, if an individual willfully and falsely completes the certificate, affidavit, statement, or ballot of another individual under the provisions of sections 115.283 or 115.284, including but not limited to statements specifically required to be made under penalty of perjury, such individual shall be guilty of a class B felony;**

(24) Assisting a person to vote knowing such person is not legally entitled to such assistance, or while assisting a person to vote who is legally entitled to such assistance, in any manner coercing, requesting or suggesting that the voter vote for or against, or refrain from voting on any question, ticket or candidate;

(25) Engaging in any act of violence, destruction of property having a value of five hundred dollars or more, or threatening an act of violence with the intent of denying a person's lawful right to vote or to participate in the election process; and

(26) Knowingly providing false information about election procedures for the purpose of preventing any person from going to the polls.”; and

Further amend the title and enacting clause accordingly.

Senator Wright-Jones moved that the above amendment be adopted, which motion prevailed.

Senator Justus offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Bill No. 3, Section A, Line 3, by inserting immediately after all of said line the following:

“115.135. 1. Any person who is qualified to vote, or who shall become qualified to vote on or before the day of election, shall be entitled to register in the jurisdiction within which he or she resides. In order to vote in any election for which registration is required, a person must be registered to vote in the jurisdiction of his or her residence [no later than 5:00 p.m., or the normal closing time of any public building where the registration is being held if such time is later than 5:00 p.m., on the fourth Wednesday prior to the election, unless the voter is an interstate former resident, an intrastate new resident or a new resident, as defined in section 115.275. In no case shall registration for an election extend beyond 10:00 p.m. on the fourth Wednesday prior to the election. Any person registering after such date shall be eligible to vote in subsequent elections.] **on any date up to and including the date of the election.**

2. A person applying to register with an election authority or a deputy registration official shall identify himself or herself by presenting a copy of a birth certificate, a Native American tribal document, other proof of United States citizenship, a valid Missouri drivers license or other form of personal identification at the time of registration.

3. Except as provided in federal law or federal elections and in section 115.277, no person shall be entitled to vote if the person has not registered to vote in the jurisdiction of his or her residence prior to the deadline to register to vote.”.

And further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted, which motion failed.

Senator Callahan offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Bill No. 3, Page 4, Section 115.427, Line 118, by inserting immediately after “state” the following “, **including any license fee office,**”;

And further amend same page and section, line 121 by inserting immediately after “vote.” the following “**Any other provisions of law notwithstanding, the state or any agency of the state shall provide at least one form of documents required to obtain the personal identification required to vote at no cost to any otherwise qualified voter who does not already possess such documents and who desires the documents in order to obtain an identification to vote.**”.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway assumed the Chair.

Senator Justus offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Bill No. 3, Page 4, Section 115.427, Line 102, by inserting after “115.407”, the following: “**or to the election authority within three days of the election**”.

Senator Justus moved that the above amendment be adopted, which motion failed.

On motion of Senator Stouffer, **SB 3**, as amended, was declared perfected and ordered printed.

On motion of Senator Dempsey, the Senate recessed until 4:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Mayer.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Schmitt, Chairman of the Committee on Jobs, Economic Development and Local Government, Senator Dempsey submitted the following report:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 108**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, has approved the Senate Majority Caucus, with the hereto attached list of members.

Dan Brown

Brad Lager

Ron Richard

Jason Crowell

John Lamping

Luann Ridgeway

Jane Cunningham

Jim Lembke

Scott Rupp

Tom Dempsey

Rob Mayer

Rob Schaaf

Bob Dixon	Brian Munzlinger	Kurt Schaefer
Kevin Engler	Brian Nieves	Eric Schmitt
Jack Goodman	Mike Parson	Bill Stouffer
Mike Kehoe	David Pearce	Jay Wasson
Will Kraus	Chuck Purgason	

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics has approved the Senate Minority Caucus, with the hereto attached list of members.

Victor Callahan	Jolie Justus
Tim Green	Robin Wright-Jones
Maria Chappelle-Nadal	Joe Keaveny
Ryan McKenna	

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 3**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Mayer referred **SB 3** to the Committee on Ways and Means and Fiscal Oversight.

RESOLUTIONS

Senator Goodman offered Senate Resolution No. 289, regarding John Thompson, Marshfield, which was adopted.

Senator Goodman offered Senate Resolution No. 290, regarding Doug Sexton, Mount Vernon, which was adopted.

Senator Goodman offered Senate Resolution No. 291, regarding Chip Mason, Branson, which was adopted.

Senator Goodman offered Senate Resolution No. 292, regarding Alps Supermarket, Mount Vernon, which was adopted.

Senator Goodman offered Senate Resolution No. 293, regarding Kornerstone, Shell Knob, which was adopted.

Senator Goodman offered Senate Resolution No. 294, regarding Crosslines-Monett, Monett, which was adopted.

Senator Goodman offered Senate Resolution No. 295, regarding Byron E. Taylor Christian Service Center, Aurora, which was adopted.

Senator Goodman offered Senate Resolution No. 296, regarding St. Susanne Food Pantry, Mount Vernon, which was adopted.

Senator Goodman offered Senate Resolution No. 297, regarding Crosslines-Anderson, Anderson, which was adopted.

Senator Goodman offered Senate Resolution No. 298, regarding Ozark County Food Pantry, Gainesville, which was adopted.

Senator Goodman offered Senate Resolution No. 299, regarding Christian Associates of Table Rock Lake-South, Kimberling City, which was adopted.

Senator Goodman offered Senate Resolution No. 300, regarding Christian Associates of Table Rock Lake-North, Crane, which was adopted.

Senator Goodman offered Senate Resolution No. 301, regarding Christian Action Ministries, Branson, which was adopted.

Senator Goodman offered Senate Resolution No. 302, regarding Jolene Garoutte, Monett, which was adopted.

Senator Goodman offered Senate Resolution No. 303, regarding Ann Hall, Purdy, which was adopted.

Senator Goodman offered Senate Resolution No. 304, regarding Karen Benson, Mount Vernon, which was adopted.

Senator Goodman offered Senate Resolution No. 305, regarding Gene Hall, Anderson, which was adopted.

Senator Goodman offered Senate Resolution No. 306, regarding Rhonda Sueter, Gainesville, which was adopted.

Senator Goodman offered Senate Resolution No. 307, regarding David and Mary Morrison, Gainesville, which was adopted.

Senator Goodman offered Senate Resolution No. 308, regarding Connie Johnson, Galena, which was adopted.

Senator Goodman offered Senate Resolution No. 309, regarding Elaine Sjobring, Kimberling City, which was adopted.

Senator Goodman offered Senate Resolution No. 310, regarding Christopher Welch, Branson, which was adopted.

Senator Goodman offered Senate Resolution No. 311, regarding Dr. Sue Head, Point Lookout, which was adopted.

Senator Goodman offered Senate Resolution No. 312, regarding the Honorable Raeanne Presley, Branson, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Lager introduced to the Senate, representatives of the Great Northwest.

Senator Lager introduced to the Senate, representatives of Missouri State Teachers Association from Northwest Missouri.

Senator Schaaf introduced to the Senate, Mayor Bill Faulkner, St. Joseph; Buchanan County Commissioner Dan Hausman, St. Joseph; former State Representative Dan Hegeman, Cosby; representatives of the Great Northwest; and students from Missouri Western State University.

Senator Schaaf introduced to the Senate, representatives of the Missouri Society of Anesthesiologists

from around the state.

Senator Dixon introduced to the Senate, Thomas G. Strong, Springfield.

Senator Pearce introduced to the Senate, Derek Wiseman, Ali Weinel, Kayla Meine, Trevor Cunningham, Tyler Laughlin, Ashley Brauner, Alexandra Carpenter, Amanda Copeland, Manuel Bryant, Shannon Kennedy and Megan Anderson, representatives of University of Central Missouri Student Government, Warrensburg.

Senator Stouffer introduced to the Senate, Denise Clemonds, Jefferson City.

Senator Kehoe introduced to the Senate, Denny Galkowski, Winfield.

Senator Lembke introduced to the Senate, Josh Foster, Lauren Robertson, Ryan Kohler and Ayush Argarwal, Truman State University.

Senator Nieves introduced to the Senate, Sara Baczewski and twenty-six fourth grade students from Marthasville Elementary School.

Senator Munzlinger introduced to the Senate, Sarah Ray, Paris; and representatives of FFA from around the state.

Senator Keaveny introduced to the Senate, Aydin Danaci, St. Louis.

On behalf of Senator Rupp, the President introduced to the Senate, Kyle Olmstead and Taylor Mason, Troy.

On behalf of Senator Rupp, the President introduced to the Senate, representatives of Troy Vision Leadership Group.

Senator Justus introduced to the Senate, Peg Pendergast, Kansas City.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-SECOND DAY—WEDNESDAY, FEBRUARY 16, 2011

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 253-Callahan and Cunningham

SB 254-Stouffer

SB 255-Keaveny

SB 256-Kraus

SB 257-Kraus

SB 258-Kraus

SB 259-Kraus

SB 260-Wasson

SB 261-Goodman

SB 262-Goodman

SB 263-Green	SB 273-Lembke
SB 264-Rupp	SB 274-Lembke
SB 265-Rupp	SB 275-Lembke
SB 266-Dempsey	SB 276-Schaefer
SB 267-Schaaf	SB 277-Lager
SB 268-Stouffer	SB 278-Munzlinger, et al
SB 269-Brown	SB 279-Schmitt
SB 270-Kraus	SB 280-Purgason and Lager
SB 271-Kraus	SJR 16-Goodman
SB 272-Green	SJR 17-Lembke

HOUSE BILLS ON SECOND READING

HCS for HB 45	HB 162-Fisher, et al
HCS for HBs 73 & 47	HCS for HB 46
HCS for HB 163	

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna (In Fiscal Oversight)	SB 33-Stouffer (In Fiscal Oversight)
SCS for SB 18-Schmitt	SB 3-Stouffer (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SBs 113 & 95-Parson and Engler, with SCS	SB 108-Schmitt, et al, with SCS
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INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 7, 5, 74 & 169-Goodman, with SCS	SJR 2-Stouffer, with SA 3 (pending)
SB 8-Goodman, with SCS & SS for SCS (pending)	

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Journal of the Senate

FIRST REGULAR SESSION

TWENTY-SECOND DAY—WEDNESDAY, FEBRUARY 16, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“True faith does not contradict its words by its conduct.” (Unknown)

Almighty God, we like to think of ourselves as a people of faith and practice our faith in what we do and say both here and at home. Grant that our actions and words do not contradict our faith in You and shows itself with those we love and love us and may we remain open to Your prompting. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Dempsey announced that photographers from Missouri News Horizon and KCTV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Lager offered Senate Resolution No. 313, regarding Alexander Bryce Hager, which was adopted.

Senator Lager offered Senate Resolution No. 314, regarding the One Hundredth Birthday of Vivian Polaski, Oregon, which was adopted.

Senator Lager offered Senate Resolution No. 315, regarding Joshua James Thieme, which was adopted.

Senator Lager offered Senate Resolution No. 316, regarding the One Hundred Tenth Birthday of Helen Netherton, Maysville, which was adopted.

Senator Lager offered Senate Resolution No. 317, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Dan Hottel, Brookfield, which was adopted.

Senator Lager offered Senate Resolution No. 318, regarding Thomas Nichols Chapman, Chillicothe, which was adopted.

Senator Munzlinger offered Senate Resolution No. 319, regarding Corrections Officer II Chad Ream, Bowling Green, which was adopted.

Senator Munzlinger offered Senate Resolution No. 320, regarding Corrections Officer I Glen Fowler, Center, which was adopted.

Senator Lembke offered Senate Resolution No. 321, regarding Dr. John and Eva G'Sell, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 281—By Kraus.

An Act to repeal section 144.080, RSMo, and to enact in lieu thereof one new section relating to requiring the cumulative state and local sales tax rate to be printed on sales receipts, with existing penalty provisions.

SB 282—By Engler.

An Act to repeal sections 115.123 and 115.755, RSMo, and to enact in lieu thereof one new section relating to the date of the presidential primary.

SB 283—By Munzlinger.

An Act to repeal section 304.180, RSMo, and to enact in lieu thereof one new section relating to the regulation of motor vehicles hauling agricultural products during harvest time, with penalty provisions.

SB 284—By Wasson.

An Act to repeal sections 338.055 and 338.330, RSMo, and to enact in lieu thereof two new sections relating to the authority of the board of pharmacy.

SB 285—By McKenna and Lamping.

An Act to repeal section 9.010, RSMo, and to enact in lieu thereof one new section relating to the state holiday commemorating Lincoln's birthday.

SB 286—By McKenna.

An Act to amend chapter 160, RSMo, by adding thereto two new sections relating to the task force on the prevention of sexual abuse of children.

SB 287—By Ridgeway.

An Act to amend chapter 311, RSMo, by adding thereto one new section relating to liquor control licensing.

SB 288—By Ridgeway.

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to the state and local sales and use tax exemption for fees paid to places of amusement.

SB 289—By Lembke.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to use of tobacco products in state correctional facilities.

SB 290—By Lembke.

An Act to repeal section 434.100, RSMo, and to enact in lieu thereof one new section relating to the treatment of indemnification and hold harmless clauses within construction work contracts.

Senator Pearce assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Stouffer moved that **SJR 2**, with **SA 3** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 3 was again taken up.

At the request of Senator Green, **SA 3** was withdrawn.

On motion of Senator Stouffer, **SJR 2** was declared perfected and ordered printed.

At the request of Senator Parson, **SB 113** and **SB 95**, with **SCS**, were placed on the Informal Calendar.

Senator Schmitt moved that **SB 108**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 108**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 108

An Act to repeal section 67.281 as enacted by senate substitute no. 2 for senate committee substitute for house bill no. 103, ninety-fifth general assembly, first regular session, and section 67.281 as enacted by conference committee substitute for senate bill no. 513, ninety-fifth general assembly, first regular session, and to enact in lieu thereof one new section relating to the installation of fire sprinklers in certain dwellings.

Was taken up.

Senator Schmitt moved that **SCS** for **SB 108** be adopted, which motion prevailed.

On motion of Senator Schmitt, **SCS** for **SB 108** was declared perfected and ordered printed.

INTRODUCTIONS OF GUESTS

Senator Pearce introduced to the Senate, his brother, Mark Pearce and Don Peterson, Warrensburg.

Senator Schaefer introduced to the Senate, the Physician of the Day, Dr. Dean Hainsworth, M.D., Columbia.

Senator Schaefer introduced to the Senate, Dr. Dustin McKnight, M.D. and Dr. James Fox, M.D., Columbia; Dr. Nick Binder, M.D. and Dr. Luke Rebenitsch, M.D., Kansas City; and Dr. Jennifer Thompson, M.D., St. Louis.

Senator Brown introduced to the Senate, Amy Aubuchon, Gasconade County.

Senator Brown introduced to the Senate, Roberta Morgan and international students from Missouri University of Science and Technology.

Senator Brown introduced to the Senate, President Donald Claycomb, Ph.D and John W. Nilges, representatives of Lynn State Technical College.

On behalf of Senator Dempsey and himself, Senator Green introduced to the Senate, Dave and Marvalee Ewing and Jeanette Wappelhorst, St. Charles.

The President introduced to the Senate, Levi, Eli, Chris, Pam, Steve and Janet Magruder, Jackson.

The President introduced to the Senate, Amy Pool and Ann Gifford, Southeast Missouri.

The President introduced to the Senate, Pam Dixon, St. Louis.

On behalf of Senator Pearce, the President introduced to the Senate, international students from universities around the state.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-THIRD DAY—THURSDAY, FEBRUARY 17, 2011

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 253-Callahan and Cunningham
SB 254-Stouffer
SB 255-Keaveny
SB 256-Kraus
SB 257-Kraus
SB 258-Kraus

SB 259-Kraus
SB 260-Wasson
SB 261-Goodman
SB 262-Goodman
SB 263-Green
SB 264-Rupp

SB 265-Rupp	SB 279-Schmitt
SB 266-Dempsey	SB 280-Purgason, et al
SB 267-Schaaf	SB 281-Kraus
SB 268-Stouffer	SB 282-Engler
SB 269-Brown	SB 283-Munzlinger
SB 270-Kraus	SB 284-Wasson
SB 271-Kraus	SB 285-McKenna and Lamping
SB 272-Green	SB 286-McKenna
SB 273-Lembke	SB 287-Ridgeway
SB 274-Lembke	SB 288-Ridgeway
SB 275-Lembke	SB 289-Lembke
SB 276-Schaefer	SB 290-Lembke
SB 277-Lager	SJR 16-Goodman
SB 278-Munzlinger, et al	SJR 17-Lembke

HOUSE BILLS ON SECOND READING

HCS for HB 45	HB 162-Fisher, et al
HCS for HBs 73 & 47	HCS for HB 46
HCS for HB 163	

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna (In Fiscal Oversight)	SB 33-Stouffer (In Fiscal Oversight)
SCS for SB 18-Schmitt	SB 3-Stouffer (In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 7, 5, 74 & 169-Goodman, with SCS	SBs 113 & 95-Parson and Engler, with SCS
SB 8-Goodman, with SCS & SS for SCS (pending)	

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Journal of the Senate

FIRST REGULAR SESSION

TWENTY-THIRD DAY—THURSDAY, FEBRUARY 17, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Saying ‘Yes’ to God’s gift of love and life primarily and above all else means choosing love as a life principle.” (John Powell)

As we complete this day and journey back to those we love, O God, we give You thanks and praise for teaching us the meaning of loving imperfect people as ourselves so that we may learn to overlook the flaws of those whom You have given us to love and who love us. Help us to make love our “life principle” and express it in the varied and many relationships we have and in Your presence this weekend make it known unto You. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Schaefer offered Senate Resolution No. 322, regarding Kraft Foods Oscar Mayer Plant,

Columbia, which was adopted.

Senator Cunningham offered Senate Resolution No. 323, regarding Flexway Trucking, Incorporated, Hazelwood, which was adopted.

Senator Cunningham offered Senate Resolution No. 324, regarding Caroline Levens, Town and Country, which was adopted.

Senator Schaefer offered Senate Resolution No. 325, regarding Niyonzima Etienne, Columbia, which was adopted.

Senator Schaefer offered Senate Resolution No. 326, regarding John and Vicki Ott, which was adopted.

Senator Stouffer offered Senate Resolution No. 327, regarding Brody Jack Baker, which was adopted.

Senator Stouffer offered Senate Resolution No. 328, regarding the Sixty-ninth Wedding Anniversary of Mr. and Mrs. Warren George, Bunceton, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 329, regarding Henry Givens, Jr., Saint Louis, which was adopted.

Senator Kraus offered Senate Resolution No. 330, regarding Matthew Lamont Bell, Lee's Summit, which was adopted.

CONCURRENT RESOLUTIONS

Senator Wright-Jones offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 11

Relating to the recognition of every third week in June as Diabetic Peripheral Neuropathy Week

WHEREAS, Diabetic Peripheral Neuropathy (DPN) is a serious condition that results from damage to nerves due to prolonged exposure to high amounts of glucose in the bloodstream as a result of diabetes; and

WHEREAS, more than half of all diabetics suffer from DPN, and the areas of the body most commonly affected by DPN are the feet and legs; and

WHEREAS, nerve damage in the feet can result in the loss of foot sensation, increasing risk of foot problems and which manifests itself in intense pain often described as aching, tingling, burning, and numbness; and

WHEREAS, in 2009, 364,000 Missourians were diagnosed with diabetes; and

WHEREAS, DPN is the leading cause of amputations, and as many as 40 to 60 percent of lower extremity amputations are due to severe forms of DPN; and

WHEREAS, DPN is preventable only to the extent that the underlying cause is preventable, requiring the individual patient's alert awareness of bodily deficiency, illness, infection or injury that can cause DPN, and the individual's willingness to seek early diagnosis and treatment; and

WHEREAS, it is absolutely fitting and proper to designate a special week to raise public awareness of DPN and its symptoms:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-sixth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby recognize the third week of June of each year as Diabetic Peripheral Neuropathy (DPN) Week in Missouri; and

BE IT FURTHER RESOLVED that the members of the Missouri Senate and the House of Representatives encourage citizens throughout Missouri to observe this week by raising public awareness regarding the symptoms and treatment of this painful and dangerous neuropathy; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to send properly inscribed copies of this resolution

to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Read 1st time.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 291—By Pearce.

An Act to repeal sections 160.400, 160.405, 160.415, and 160.420, RSMo, and to enact in lieu thereof four new sections relating to charter schools.

SB 292—By Schaaf.

An Act to amend chapter 115, RSMo, by adding thereto one new section relating to qualifications for certification of presidential and vice presidential candidates by the secretary of state.

SB 293—By Schaaf.

An Act to repeal section 143.183, RSMo, and to enact in lieu thereof one new section relating to nonresident entertainer income taxes.

SB 294—By Keaveny.

An Act to repeal sections 160.405, 160.410, and 160.539, RSMo, and to enact in lieu thereof three new sections relating to charter schools.

SB 295—By Keaveny.

An Act to repeal sections 408.500 and 408.505, RSMo, and to enact in lieu thereof three new sections relating to unsecured loans of five hundred dollars or less, with penalty provisions.

SB 296—By Schmitt, Lamping, Engler, Cunningham, Richard, Parson, Goodman and Schaefer.

An Act to repeal sections 178.760, 178.761, 178.762, 178.763, 178.764, 178.892, 178.893, 178.894, 178.895, 178.896, 620.470, 620.472, 620.474, 620.475, 620.476, 620.478, 620.479, 620.480, 620.481, and 620.482, RSMo, and to enact in lieu thereof four new sections relating to the compete Missouri training program.

SB 297—By Munzlinger.

An Act to repeal sections 407.500 and 407.505, RSMo, and to enact in lieu thereof two new sections relating to the purchase of rifles and shotguns.

SB 298—By Munzlinger.

An Act to repeal section 571.101, RSMo, and to enact in lieu thereof one new section relating to concealed carry endorsements, with existing penalty provisions.

SB 299—By Munzlinger.

An Act to repeal section 252.040, RSMo, and to enact in lieu thereof two new sections relating to restrictions on reintroducing wild elk, with penalty provisions.

SB 300—By Munzlinger.

An Act to amend chapter 252, RSMo, by adding thereto one new section relating to deer season.

SB 301—By Mayer.

An Act to amend chapter 379, RSMo, by adding thereto ten new sections relating to the creation of the Missouri homeowners mutual insurance company.

INTRODUCTION OF GUESTS

Senator Schaefer introduced to the Senate, University of Missouri Men's Basketball Head Coach, Mike Anderson. Coach Anderson assumed the dais and addressed the members of the body.

President Kinder assumed the Chair.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 16, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Saleem Abdulrauf, 7520 Buckingham Drive 1E, Saint Louis, Saint Louis County, Missouri 63105, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2013, and until his successor is duly appointed and qualified; vice, Saleem Abdulrauf, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 16, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

John Albright, 40 Brookhaven Court, Sunrise Beach, Camden County, Missouri 65079, as a member of the Missouri Community Service Commission, for a term ending December 15, 2013, and until his successor is duly appointed and qualified; vice, John Albright, reappointed.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 16, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Angela Beshears, Republican, 15810 Oakmont Circle, Kearney, Clay County, Missouri 64060, as Secretary of the Clay County Board of Election Commissioners, for a term ending at the pleasure of the Governor and until her successor is duly appointed and qualified; vice, Angela Beshears, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 16, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Barbara Brown, 4248 East Linwood Drive, Springfield, Greene County, Missouri 65809, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2013, and until her successor is duly appointed and qualified; vice, Susan Phillips, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 16, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Edna Chavis, 2223 Merlin Drive, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri Quality Homecare Council, for a term ending October 1, 2015, and until her successor is duly appointed and qualified; vice, Debra Catlett, RSMO 208.856.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 16, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Derek Conard, 3001 Southeast Galvin Road, Saint Joseph, Buchanan County, Missouri 64504, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2012, and until his successor is duly appointed and qualified; vice, Derek Conard, reappointed.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 16, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

James Corwin, 4901 Northwest Old Trail Road, Kansas City, Platte County, Missouri 64151, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2013, and until his successor is duly appointed and qualified; vice, Carl Kinnison, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 16, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

James Cunningham, 2315 West 5th Street, Sedalia, Pettis County, Missouri 65301, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2013, and until his successor is duly appointed and qualified; vice, James Cunningham, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 16, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

James Dronberger, 5714 McGee Street, Kansas City, Jackson County, Missouri 64113, as a member of the Advisory Committee for Physical Therapists, for a term ending October 1, 2015, and until his successor is duly appointed and qualified; vice, Dawn Standley, resigned.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 16, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Phillip Duncan, 8200 East 189th Street, Belton, Cass County, Missouri 64012, as a member of the Organ Donation Advisory Committee, for a term ending September 4, 2013, and until his successor is duly appointed and qualified; vice, Lisa Atkins, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 16, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Marilyn Durk, 2611 Briarwood Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2012, and until her successor is duly appointed and qualified; vice, Charity Shelton, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 16, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Leslie Gertsch, Independent, 10981 Thompson Drive, Rolla, Phelps County, Missouri 65401, as a member of the Land Reclamation Commission, for a term ending September 28, 2013, and until her successor is duly appointed and qualified; vice, Nick Matherly, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 16, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Dorothy Grange, 639 West Polo Drive, Saint Louis, Saint Louis County, Missouri 63105, as a member of the Missouri Genetic Advisory Committee, for a term ending April 9, 2011, and until her successor is duly appointed and qualified; vice, Dorothy Grange, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 16, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Charles J. Gulas, 2054 Wild Horse Creek Road, Wildwood, Saint Louis County, Missouri 63038, as a member of the Advisory Commission for Physical Therapists, for a term ending October 1, 2012, and until his successor is duly appointed and qualified; vice, Charles J. Gulas, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 16, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Richard Hashagen, 19324 County Road 1250, Saint James, Phelps County, Missouri 65559, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2013, and until his successor is duly appointed and qualified; vice, Timothy Imhoff, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 16, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Heidi M. Hernandez, 5917 NE Coral Circle, Lee's Summit, Jackson County, Missouri 64064, as a member of the Organ Donation Advisory Committee, for a term ending January 1, 2015, and until her successor is duly appointed and qualified; vice, Heidi M. Hernandez, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 16, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Cheryl Hibbeler, Democrat, 819 Lauralee Drive, O'Fallon, Saint Charles County, Missouri 63366, as a member of the Missouri Community Service Commission, for a term ending December 15, 2013, and until her successor is duly appointed and qualified; vice, Jolene M. Schulz, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 16, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Garry Kemp, Democrat, 2514 NW Windwood Drive, Lee's Summit, Jackson County, Missouri 64081, as a member of the Jackson County Sports Complex Authority, for a term ending July 15, 2015, and until his successor is duly appointed and qualified; vice, Garry Kemp, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 16, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Kristi Kenney, 2302 N. Antioch Road, Clinton, Henry County, Missouri 64735, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2013, and until her successor is duly appointed and qualified; vice, Kristi Kenney, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 16, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Fareesa Khan, Democrat, 543 Oakhaven Lane, St. Louis, St. Louis County, Missouri 63141, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2011, and until her successor is duly appointed and qualified; vice, Fareesa Khan, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 16, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Barbara Kuebler, 3204 Pembroke Square, Jefferson City, Cole County, Missouri 65109, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2013, and until her successor is duly appointed and qualified; vice, Barbara Kuebler, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 16, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Benjamin Lampert, 4367 East Bogey Court, Springfield, Greene County, Missouri 65809, as a member of the Advisory Commission for Anesthesiologist Assistants, for a term ending July 1, 2012, and until his successor is duly appointed and qualified; vice, Benjamin Lampert, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 16, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Eric Latimer, 1801 West Finley River Drive, Nixa, Stone County, Missouri 65714, as a member of the Missouri Fire Safety Advisory Board, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Andrew Nimmo.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 16, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Timothy D. McBride, 4 Spoede Hills Drive, Creve Coeur, Saint Louis County, Missouri 63141, as a member of the MO HealthNet Oversight Committee, for a term ending October 30, 2011, and until his successor is duly appointed and qualified; vice, Timothy D. McBride, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 16, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Craig Miner, 1434 Schulte Rd, St. Louis, St. Louis County, Missouri 63146, as a member of the Committee for Professional Counselors, for a term ending August 28, 2012, and until his successor is duly appointed and qualified; vice, Craig Miner, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 16, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Mary Sharlene Morgan, 12012 County Road 3000, Rolla, Phelps County, Missouri 65401, as a member of the Well Installation Board, for a term ending February 24, 2014, and until her successor is duly appointed and qualified; vice, Harriett Beard, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 16, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Peter Nicastro, 2169 Willow Ridge Lane, Chesterfield, Saint Louis County, Missouri 63017, as a member of the Organ Donation Advisory Committee, for a term ending January 1, 2015, and until his successor is duly appointed and qualified; vice, Peter Nicastro, reappointed.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 16, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Elizabeth G. Sims, Republican, 18 Ladue Manor, Ladue, Saint Louis County, Missouri 63124, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2016 and until her successor is duly appointed and qualified; vice, Elizabeth G. Sims, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 16, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Donald J. Vanderfeltz, 26683 Highway D, California, Moniteau County, Missouri 65018, as a member of the State Board of Optometry, for a term ending June 20, 2013, and until his successor is duly appointed and qualified; vice, Donald J. Vanderfeltz, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 16, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Dalton Wright, Republican, 21125 Aster Road, Conway, Laclede County, Missouri 65632, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2014, and until his successor is duly appointed and qualified; vice, Dalton Wright, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 16, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Christopher J. Young, 36 Rio Vista Drive, Saint Louis, Saint Louis County, Missouri 63124, as a member of the Advisory Commission for Anesthesiologist Assistants, for a term ending July 1, 2013, and until his successor is duly appointed and qualified; vice, Charles Bowen, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Mayer referred the above appointments to the Committee on Gubernatorial Appointments.

Senator Lager assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Mayer, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Bassem F. Armaly, as a member of the Board of Boiler and Pressure Vessel Rules;

Also,

Sara Zorich, Democrat, as a member of the Jackson County Board of Election Commissioners;

Also,

Joan M. Keiser and Virginia A. Beatty, as members of the Organ Donation Advisory Committee;

Also,

Betty Marver and Betty Skinner, as members of the Child Abuse and Neglect Review Board;

Also,

Lane Roberts, as a member of the Peace Officer Standards and Training Commission;

Also,

Patrick Lamping, Democrat, as a member of the Missouri Development Finance Board;

Also,

Deron Sugg, Democrat, as a member of the Hazardous Waste Management Commission;

Also,

Bridget M. McCandless, as a member of the MO HealthNet Oversight Committee;

Also,

Tamara Burlis, as a member of the Advisory Commission for Physical Therapists;

Also,

Archie Camden, as a member of the State Board of Embalmers and Funeral Directors;

Also,

Alan H. Wells, as a member of the Advisory Committee for 911 Service Oversight;

Also,

Charlie Ausfahl, Democrat, as a member of the State Soil and Water District Commission;

Also,

Christopher A. Gordon, as a member of the State Historical Records Advisory Board;

Also,

Pamela L. Marshall, as a member of the State Board of Pharmacy.

Senator Mayer requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Mayer moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

Senator Purgason, Chairman of the Committee on Ways and Means and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Ways and Means and Fiscal Oversight, to which was referred **SB 3**, begs leave to report that it has considered the same and recommends that the bill do pass.

THIRD READING OF SENATE BILLS

At the request of Senator Schmitt, **SCS** for **SB 18** was placed on the Informal Calendar.

SB 3, introduced by Senator Stouffer, entitled:

An Act to repeal sections 115.205, 115.427, 115.430, and 115.631, RSMo, and to enact in lieu thereof five new sections relating to elections, with penalty provisions and a contingent effective date.

Was taken up.

On motion of Senator Stouffer, **SB 3** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Crowell	Cunningham	Dempsey	Dixon	Engler	Goodman	Kehoe
Kraus	Lager	Lamping	Lembke	Mayer	Munzlinger	Nieves	Parson
Pearce	Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt
Stouffer	Wasson—26						

NAYS—Senators

Callahan	Chappelle-Nadal	Green	Justus	Keaveny	McKenna	Wright-Jones—7
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

President Pro Tem Mayer assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Engler, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 71**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 58**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 77**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 28**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Goodman, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 57**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Cunningham, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which were referred **SB 1** and **SB 206**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Pearce, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 13**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Lembke, Chairman of the Committee on Governmental Accountability, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability, to which was referred **SB 97**, begs

leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Governmental Accountability, to which was referred **SB 96**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Schmitt, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following report:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 174**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 174, Page 1, Section 67.319, Line 2, by striking “any county with a”; and further amend lines 3-4, by striking all of said lines and inserting in lieu thereof the following: “**this state may**,”.

Senator Munzlinger, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 187**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 161**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SJR 2** and **SCS** for **SB 108**, begs leave to report that it has examined the same and finds that the joint resolution and bill have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Lager assumed the Chair.

REFERRALS

President Pro Tem Mayer referred **SJR 2** to the Committee on Ways and Means and Fiscal Oversight.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 253—Education.

SB 254—Transportation.

- SB 255**—Rules, Joint Rules, Resolutions and Ethics.
- SB 256**—Ways and Means and Fiscal Oversight.
- SB 257**—Ways and Means and Fiscal Oversight.
- SB 258**—Ways and Means and Fiscal Oversight.
- SB 259**—Ways and Means and Fiscal Oversight.
- SB 260**—Transportation.
- SB 261**—Judiciary and Civil and Criminal Jurisprudence.
- SB 262**—Small Business, Insurance and Industry.
- SB 263**—Commerce, Consumer Protection, Energy and the Environment.
- SB 264**—Select Committee on Redistricting.
- SB 265**—Education.
- SB 266**—Financial and Governmental Organizations and Elections.
- SB 267**—Health, Mental Health, Seniors and Families.
- SB 268**—Education.
- SB 269**—Governmental Accountability.
- SB 270**—Financial and Governmental Organizations and Elections.
- SB 271**—Veterans’ Affairs, Emerging Issues, Pensions and Urban Affairs.
- SB 272**—Judiciary and Civil and Criminal Jurisprudence.
- SB 273**—Veterans’ Affairs, Emerging Issues, Pensions and Urban Affairs.
- SB 274**—General Laws.
- SB 275**—Veterans’ Affairs, Emerging Issues, Pensions and Urban Affairs.
- SB 276**—General Laws.
- SB 277**—General Laws.
- SB 278**—Agriculture, Food Production and Outdoor Resources.
- SB 279**—Jobs, Economic Development and Local Government.
- SB 280**—Ways and Means and Fiscal Oversight.
- SB 281**—Ways and Means and Fiscal Oversight.
- SB 282**—Financial and Governmental Organizations and Elections.
- SB 283**—Transportation.
- SB 284**—Financial and Governmental Organizations and Elections.
- SB 285**—General Laws.
- SB 286**—General Laws.

SB 287—Commerce, Consumer Protection, Energy and the Environment.

SB 288—Ways and Means and Fiscal Oversight.

SB 289—General Laws.

SB 290—Small Business, Insurance and Industry.

SJR 16—General Laws.

SJR 17—General Laws.

RESOLUTIONS

Senator Munzlinger offered Senate Resolution No. 331, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Robert Hayes, Edina, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 332, regarding the death of Pastor Robert Maurice Franklin, Sr., Saint Louis, which was adopted.

COMMUNICATIONS

President Pro Tem Mayer submitted the following:

February 16, 2011

Honorable Robert N. Mayer
Senate President Pro Tem
State Capitol, Room 326
Jefferson City, MO 65101

Honorable Steven Tilley
Speaker of the House
State Capitol, Room 308
Jefferson City, MO 65101

Honorable Victor Callahan
Senate Minority Floor Leader
State Capitol, Room 333
Jefferson City, MO 65101

Honorable Mike Talboy
House Minority Floor Leader
State Capitol, Room 204
Jefferson City, MO 65101

Dear Gentlemen:

This letter shall serve as notice of my action on Senate Concurrent Resolution No. 1.

On January 26, 2011, the Public Service Commission approved an order withdrawing 4 CSR 240-20.100(2)(A) and 4 CSR 240-20.100(2)(B)2 pertaining to geographic sourcing. Twelve days later, on February 7, 2011, I was presented with Senate Concurrent Resolution No. 1 which purports to disapprove those same regulations. The action of the Public Service Commission approving an order to withdraw the relevant regulations renders Senate Concurrent Resolution No. 1 moot and therefore makes the approval or disapproval of Senate Concurrent Resolution No. 1 unnecessary.¹

Sincerely,
Jeremiah W. (Jay) Nixon
Governor

¹ I am cognizant of the argument asserted by two members of the Public Service Commission that the Commission lacked authority to withdraw these regulations. I disagree with that view and find that the Public Service Commission was clearly vested with the necessary power to issue its January 26, 2011 order. While I am not approving this legislative resolution rendered unnecessary by mootness, I recognize that my action will allow Senate Concurrent Resolution No. 1 to become effective through Article III, Section 31 of the Missouri Constitution. This approach will not change the inevitable result – the relevant rules being withdrawn – but will eliminate future uncertainty surrounding the status of these rules and appropriately return our collective focus to developing a vibrant renewable energy industry in Missouri.

INTRODUCTIONS OF GUESTS

Senator Schaaf introduced to the Senate, Mayor Bill Falkner and Lisa Robertson, St. Joseph.

Senator Kraus introduced to the Senate, former State Senator Bob Johnson, Lee's Summit.

Senator Parson introduced to the Senate, Chris McClay, Ellis Hall, Audra Morgan, Scott Daniel, Karen Bruce, Patricia Schneider, Belinda Presley and Mike Campbell, representatives of Leadership Bolivar.

Senator Schmitt introduced to the Senate, Mayor Felicity Buckley, Alderman Chris Gorman and Jonathan Greever, Shrewsbury.

The President introduced to the Senate, Pam Carter.

Senator Schaefer introduced to the Senate, Athletic Director Mike Alden and Deputy Chancellor Mike Middleton, University of Missouri, Columbia.

On motion of Senator Dempsey, the Senate adjourned until 4:00 p.m., Monday, February 21, 2011.

SENATE CALENDAR

TWENTY-FOURTH DAY—MONDAY, FEBRUARY 21, 2011

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 291-Pearce
SB 292-Schaaf
SB 293-Schaaf
SB 294-Keaveny
SB 295-Keaveny
SB 296-Schmitt, et al

SB 297-Munzlinger
SB 298-Munzlinger
SB 299-Munzlinger
SB 300-Munzlinger
SB 301-Mayer

HOUSE BILLS ON SECOND READING

HCS for HB 45
HCS for HBs 73 & 47
HCS for HB 163

HB 162-Fisher, et al
HCS for HB 46

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna
(In Fiscal Oversight)

SB 33-Stouffer (In Fiscal Oversight)

SJR 2-Stouffer (In Fiscal Oversight)

SCS for SB 108-Schmitt, et al

SENATE BILLS FOR PERFECTION

SB 71-Parson

SB 58-Stouffer and Lembke, with SCS

SB 28-Brown

SBs 1 & 206-Ridgeway, with SCS

SB 13-Pearce, with SCS

SB 174-Dempsey, with SCA 1

SB 187-Lager, et al

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SENATE BILLS FOR PERFECTION

SBs 7, 5, 74 & 169-Goodman, with SCS

SB 8-Goodman, with SCS & SS for SCS
(pending)

SBs 113 & 95-Parson and Engler, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/17

SB 77-Stouffer

SB 57-Callahan, with SCS

SB 97-Engler

SB 96-Engler

SB 161-Munzlinger

RESOLUTIONS

To be Referred

SCR 11-Wright-Jones

✓

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-FOURTH DAY—MONDAY, FEBRUARY 21, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“We cannot forget history...we will be remembered for good or for ill...we cannot escape the burden nor responsibility.” (Abraham Lincoln)

Almighty God, on this Presidents’ Day we are mindful how You have called forth leaders to take us through perilous times and how they are remembered today. Help us be mindful of the history we create through these difficult times and the effect our actions will have on our people. So we pray for guidance and direction for what we will say and do and the bills we will produce and are enacted into law. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 17, 2011 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

Senator Lager assumed the Chair.

RESOLUTIONS

Senator Pearce offered Senate Resolution No. 333, regarding Anthony Joseph Willard, Belton, which was adopted.

Senator Lembke offered Senate Resolution No. 334, regarding Daniel Schroeder, Oakville, which was adopted.

Senator Lager offered Senate Resolution No. 335, regarding the One Hundredth Birthday of Verna Carol Wilson, Plattsburg, which was adopted.

Senator Lager offered Senate Resolution No. 336, regarding Aaron Baker, Savannah, which was adopted.

Senator Lager offered Senate Resolution No. 337, regarding Zackery Dunn, Savannah, which was adopted.

Senator Rupp offered Senate Resolution No. 338, regarding the Sixty-fifth Wedding Anniversary of Dr. and Mrs. Edward Newberry, Troy, which was adopted.

Senator Kehoe offered Senate Resolution No. 339, regarding Grace A. Fennewald, Jefferson City, which was adopted.

Senator Green offered Senate Resolution No. 340, regarding Nita Griffin, Columbia, Illinois, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 302—By Engler.

An Act to repeal sections 383.015, 383.016, 383.035, 383.037, and 383.206, RSMo, and to enact in lieu thereof seven new sections relating to malpractice insurance.

SB 303—By Engler.

An Act to repeal sections 324.043, 334.040, 334.070, 334.090, 334.100, 334.102, 334.103, 334.107, 334.127, 334.715, 536.063, 536.067, 536.070, 621.045, 621.100, and 621.110, RSMo, and to enact in lieu thereof twenty-two new sections relating to licensure of certain professions, with penalty provisions.

SB 304—By Rupp.

An Act to amend chapter 375, RSMo, by adding thereto one new section relating to life and health reinsurance contracts.

SB 305—By Parson.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to the sale of plastic bulk merchandise containers, with penalty provisions.

SB 306—By Wasson.

An Act to repeal sections 370.100, 370.157, 370.310, 370.320, 370.353, and 370.359, RSMo, and to enact in lieu thereof thirteen new sections relating to credit unions, with penalty provisions.

SB 307—By Justus.

An Act to amend chapter 488, RSMo, by adding thereto one new section relating to court costs for certain municipal ordinance violations.

SB 308—By Nieves.

An Act to amend chapter 506, RSMo, by adding thereto one new section relating to the laws of other countries.

SB 309—By Kehoe.

An Act to repeal sections 190.035, 190.040, and 321.552, RSMo, and to enact in lieu thereof three new sections relating to taxes to fund emergency services.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 45**—Ways and Means and Fiscal Oversight.

HCS for **HBs 73** and **47**—Health, Mental Health, Seniors and Families.

HCS for **HB 163**—Small Business, Insurance and Industry.

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

SCR 11—Rules, Joint Rules, Resolutions and Ethics.

SENATE BILLS FOR PERFECTION

Senator Parson moved that **SB 71** be taken up for perfection, which motion prevailed.

On motion of Senator Parson, **SB 71** was declared perfected and ordered printed.

Senator Stouffer moved that **SB 58**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 58**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 58

An Act to repeal sections 387.040, 387.050, 387.080, 387.110, 390.051, 390.061, 390.081, 390.101, 390.116, and 390.280, RSMo, and to enact in lieu thereof fourteen new sections relating to motor carrier transportation regulated by the state highways and transportation commission.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 58** be adopted.

Senator Stouffer offered **SS** for **SCS** for **SB 58**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 58

An Act to repeal sections 387.040, 387.050, 387.080, 387.137, 387.139, 387.207, 387.110, 390.051, 390.061, 390.081, 390.101, 390.116, and 390.280, RSMo, and to enact in lieu thereof fifteen new sections relating to motor carrier transportation regulated by the state highways and transportation commission.

Senator Stouffer moved that **SS** for **SCS** for **SB 58** be adopted, which motion prevailed.

On motion of Senator Stouffer, **SS** for **SCS** for **SB 58** was declared perfected and ordered printed.

COMMUNICATIONS

Senator Crowell submitted the following:

February 18, 2011

Ms. Terry Spieler
Secretary of Senate
State Capitol Building – Room 325
Jefferson City, Missouri 65101

Dear Madame Secretary:

I respectfully request that the following bills be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

SB 77 (Stouffer) – Expands the types of directional signs which may be erected and maintained within highway right-of-ways

SB 161 (Munzlinger) – Allows the Missouri Agricultural and Small Business Development Authority to provide loan guarantees for loans to agribusinesses

Sincerely,
/s/ Jason Crowell
Jason G. Crowell
State Senator

INTRODUCTIONS OF GUESTS

Senator Rupp introduced to the Senate, his children, Noelle and Scottie, Wentzville; and Noelle and Scottie were made honorary pages.

Senator Dixon introduced to the Senate, his wife, Amanda, Springfield.

Senator Lager introduced to the Senate, Andrew County Eagle Scouts.

Senator Stouffer introduced to the Senate, members of 4-H Legislative Academy.

Senator Wright-Jones introduced to the Senate, representatives of Delta Sigma Theta, Sorority, Inc., from around the state.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-FIFTH DAY—TUESDAY, FEBRUARY 22, 2011

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 291-Pearce	SB 301-Mayer
SB 292-Schaaf	SB 302-Engler
SB 293-Schaaf	SB 303-Engler
SB 294-Keaveny	SB 304-Rupp
SB 295-Keaveny	SB 305-Parson
SB 296-Schmitt, et al	SB 306-Wasson
SB 297-Munzlinger	SB 307-Justus
SB 298-Munzlinger	SB 308-Nieves
SB 299-Munzlinger	SB 309-Kehoe
SB 300-Munzlinger	

HOUSE BILLS ON SECOND READING

HB 162-Fisher, et al	HCS for HB 46
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THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna (In Fiscal Oversight)	SJR 2-Stouffer (In Fiscal Oversight)
SB 33-Stouffer (In Fiscal Oversight)	SCS for SB 108-Schmitt, et al

SENATE BILLS FOR PERFECTION

SB 28-Brown	SB 174-Dempsey, with SCA 1
SBs 1 & 206-Ridgeway, with SCS	SB 187-Lager, et al
SB 13-Pearce, with SCS	

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SENATE BILLS FOR PERFECTION

SBs 7, 5, 74 & 169-Goodman, with SCS
SB 8-Goodman, with SCS & SS for SCS
(pending)

SBs 113 & 95-Parson and Engler, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/17

SB 57-Callahan, with SCS
SB 97-Engler

SB 96-Engler

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Journal of the Senate

FIRST REGULAR SESSION

TWENTY-FIFTH DAY—TUESDAY, FEBRUARY 22, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Prayer—secret, fervent, believing prayer—lies at the root of all personal godliness.” (William Carey)

Holy God, we begin each day with prayer and are hopeful that it comes to You with fervent desire to be at one with You. We pray that our personal foundation is strongly rooted in You and that it stands firmly against all the temptations that challenge us each day. We pray that we will use this day in accomplishing all You desire for us to do and we may be faithful. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Schmitt offered Senate Resolution No. 341, regarding Alexander Kehm, Fenton, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 342, regarding Halbert Sullivan, St. Louis, which was adopted.

Senator Schmitt offered Senate Resolution No. 343, regarding the Ninetieth Birthday of John Henry Sears, Ballwin, which was adopted.

Senator Schmitt offered Senate Resolution No. 344, regarding Ali M. Cavanaugh, Kirkwood, which was adopted.

Senator Goodman offered Senate Resolution No. 345, regarding Steelman Transportation, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolutions were read the 1st time and ordered printed:

SB 310—By Justus.

An Act to repeal sections 701.300, 701.301, 701.305, 701.309, 701.310, 701.311, 701.312, 701.313, 701.314, 701.316, 701.320, and 701.334, RSMo, and to enact in lieu thereof eleven new sections relating to lead licensing, with penalty provisions.

SB 311—By Pearce.

An Act to repeal section 167.194, RSMo, and to enact in lieu thereof one new section relating to the children's vision examination program.

SB 312—By Keaveny.

An Act to repeal section 454.475, RSMo, and to enact in lieu thereof one new section relating to child support administrative decisions.

SB 313—By Schaaf.

An Act to repeal section 67.1956, RSMo, and to enact in lieu thereof one new section relating to tourism community enhancement districts.

SB 314—By Chappelle-Nadal.

An Act to amend chapter 292, RSMo, by adding thereto one new section relating to workplace violence, with a penalty provision.

SB 315—By Chappelle-Nadal.

An Act to amend chapters 34 and 390, RSMo, by adding thereto two new sections relating to employment practices.

SB 316—By McKenna.

An Act to amend chapter 36, RSMo, by adding thereto one new section relating to a four-day work week for state employees.

SB 317—By Stouffer.

An Act to repeal sections 409.1-102 and 409.2-201, RSMo, and to enact in lieu thereof two new sections relating to agricultural cooperative corporations.

SB 318—By Dixon.

An Act to repeal section 115.162, RSMo, and to enact in lieu thereof one new section relating to voter registration for hunting and fishing permit applicants.

SB 319—By Dixon.

An Act to repeal section 143.790, RSMo, and to enact in lieu thereof two new sections relating to a debt setoff for unpaid healthcare expenses.

SB 320—By Lamping, Schmitt, Wright-Jones, McKenna, Rupp, Dempsey, Nieves, Kraus, Chappelle-Nadal, Dixon, Schaefer, Lager, Engler, Ridgeway, Green, Kehoe, Schaaf, Purgason, Callahan, Justus, Keaveny, Munzlinger, Cunningham, Pearce, Goodman, Brown and Wasson.

An Act to repeal sections 43.545, 211.031, 452.375, 455.010, 455.027, 455.035, 455.040, 455.050, 455.060, 455.085, 455.200, 455.501, 455.513, 455.516, 455.520, 455.523, 455.538, 455.540, 455.543, 527.290, 565.074, and 595.100, RSMo, and to enact in lieu thereof twenty-one new sections relating to domestic violence, with penalty provisions.

SJR 18—By Munzlinger.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 39(b) of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the state lottery.

SJR 19—By Chappelle-Nadal.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 30(a), 30(b), 31, 32(a), 32(b), 32(c), and 33 of article VI of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the city and county of St. Louis.

SJR 20—By Lager.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 27(a) of article IV of the Constitution of Missouri, and adopting three new sections in lieu thereof relating to the commonsense obligation to provide accountability and spending stabilization act.

REPORTS OF STANDING COMMITTEES

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 71** and **SS** for **SCS** for **SB 58**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

At the request of Senator Brown, **SB 28** was placed on the Informal Calendar.

At the request of Senator Ridgeway, **SB 1** and **SB 206**, with **SCS**, were placed on the Informal Calendar.

Senator Pearce moved that **SB 13**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 13**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 13

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to a task force to study teacher compensation.

Was taken up.

Senator Pearce moved that **SCS** for **SB 13** be adopted.

Senator Pearce offered **SS** for **SCS** for **SB 13**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 13

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to a task force to study teacher compensation.

Senator Pearce moved that **SS** for **SCS** for **SB 13** be adopted.

Senator Schmitt assumed the Chair.

Senator Lager offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 13, Page 1, In the Title, Lines 3-4, by striking the words “a task force to study teacher compensation” and inserting in lieu thereof the following: “the joint committee on education”; and

Further amend said bill, Section A, page 1, line 3, by inserting after all of said line the following:

“160.254. 1. There is hereby established a joint committee of the general assembly, which shall be known as the “Joint Committee on Education”, which shall be composed of seven members of the senate and seven members of the house of representatives. The senate members of the committee shall be appointed by the president pro tem of the senate and the house members by the speaker of the house.

2. The committee shall meet at least twice a year. In the event of three consecutive absences on the part of any member, such member may be removed from the committee.

3. The committee shall select either a chairman or cochairmen, one of whom shall be a member of the senate and one a member of the house. A majority of the members shall constitute a quorum. Meetings of the committee may be called at such time and place as the chairman or chairmen designate.

4. The committee shall:

(1) Review and monitor the progress of education in the state's public schools and institutions of higher education;

(2) Receive reports from the commissioner of education concerning the public schools and from the commissioner of higher education concerning institutions of higher education;

(3) Conduct a study and analysis of the public school system;

(4) Make recommendations to the general assembly for legislative action;

(5) Conduct an in-depth study concerning all issues relating to the equity and adequacy of the distribution of state school aid, teachers' salaries, funding for school buildings, and overall funding levels for schools and any other education funding-related issues the committee deems relevant;

(6) Monitor the establishment of performance measures as required by section 173.1006 and report on their establishment to the governor and the general assembly;

(7) Conduct studies and analysis regarding:

(a) The higher education system, including financing public higher education and the provision of financial aid for higher education; and

(b) The feasibility of including students enrolled in proprietary schools, as that term is defined in section 173.600, in all state-based financial aid programs;

(8) Annually review the collection of information under section 173.093 to facilitate a more accurate comparison of the actual costs at public and private higher education institutions;

(9) Within three years of August 28, 2007, review a new model for the funding of public higher education institutions upon submission of such model by the coordinating board for higher education;

(10) Within three years of August 28, 2007, review the impact of the higher education student funding act established in sections 173.1000 to 173.1006;

(11) Beginning August 28, 2008, upon review, approve or deny any expenditures made by the commissioner of education pursuant to section 160.530, as provided in subsection 5 of section 160.530.

5. [During the legislative interim between the first regular session of the ninety-fifth general assembly through January 29, 2010, of the second regular session of the ninety-fifth general assembly, the joint committee on education shall study the issue of open enrollment for public school students across school district boundary lines in this state. In studying this issue, the joint committee may solicit input and information necessary to fulfill its obligation, including but not limited to soliciting input and information from any state department, state agency, school district, political subdivisions of this state, teachers, and the general public. The joint committee shall prepare a final report, together with its recommendations for any legislative action deemed necessary for submission to the general assembly by December 31, 2009.] **During the legislative interim between the first regular session of the ninety-sixth general assembly through December 31, 2011, the joint committee shall study the issue of a year-round educational program for school districts. The joint committee may consult with state departments, state boards, public school districts, and individuals in the education community. The joint committee shall prepare a final report, together with any recommendations for any legislative action deemed necessary for submission to the general assembly by December 31, 2011.**

6. The committee may make reasonable requests for staff assistance from the research and appropriations staffs of the house and senate and the committee on legislative research, as well as the department of elementary and secondary education, the department of higher education, the coordinating

board for higher education, the state tax commission, the department of economic development, all school districts and other political subdivisions of this state, teachers and teacher groups, business and other commercial interests and any other interested persons.

7. Members of the committee shall receive no compensation but may be reimbursed for reasonable and necessary expenses associated with the performance of their official duties.”; and

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted.

Senator Crowell raised the point of order that **SA 1** is out of order as it goes beyond the scope of the underlying legislation.

The point of order was referred to the President Pro Tem.

At the request of Senator Lager, **SA 1** was withdrawn rendering the point of order moot.

Senator Green offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 13, Page 1, Section 160.256, Line 11, by inserting after “**education**,” the following: “**one**”; and further amend line 12 by inserting after the word “**senate**” the following: “**and one to be appointed by the minority leader of the senate**”; and further amend line 13 by inserting after “**education**,” the following: “**one**”; and further amend line 14 by inserting after the word “**representatives**” the following: “**and one to be appointed by the minority leader of the house of representatives**”.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Pearce moved that **SS** for **SCS** for **SB 13**, as amended, be adopted, which motion prevailed.

On motion of Senator Pearce, **SS** for **SCS** for **SB 13**, as amended, was declared perfected and ordered printed.

Senator Dempsey moved that **SB 174**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Dempsey moved that the above committee amendment be adopted, which motion prevailed.

On motion of Senator Dempsey, **SB 174**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

February 18, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of John Albright for the Missouri Community Service Commission submitted to you on February 16, 2011. Line 1 should read:

John Albright, Republican, 40 Brookhaven Court, Sunrise Beach, Camden County, Missouri 65079,

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 18, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Christopher J. Young for the Advisory Commission for Anesthesiologist Assistants submitted to you on February 16, 2011. Line 4 should read:

Christopher J. Young, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Mayer referred the above addendums to the Committee on Gubernatorial Appointments.

COMMUNICATIONS

President Pro Tem Mayer submitted the following:

February 21, 2011

Senator Jim Lembke
Chairman, Governmental Accountability Committee
Room 419, State Capitol
Jefferson City, MO 65101

Dear Chairman Lembke:

Pursuant to Senate Rule 28 Section 8, I request that your Committee on Governmental Accountability investigate the privatization of the Missouri Lottery and the potential cost savings of doing so.

Specifically, I would like you to review the services of GTECH Corporation. GTECH has been awarded new contracts to provide online or instant ticket printing, services, and systems for lotteries in New York, South Dakota, Michigan, West Virginia, Kansas, Virginia, Oregon, Rhode Island, Connecticut, and our very own Missouri.

Please let me know if I can be of additional help.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
District 25 Senator

INTRODUCTIONS OF GUESTS

Senator Pearce introduced to the Senate, Misty Curtright and Jim Peters, Belton.

Senator Schaefer introduced to the Senate, John Kadlec, Columbia.

Senator Kraus introduced to the Senate, Scott Knoche, Lee's Summit; and Mike Woodward,

Independence.

The President introduced to the Senate, Katelyn Wiles, Farmington; Janet Vanderbeck and Michael Gorman, Chesterfield; Bob Sherrill, Cape Girardeau; and Mark Mattingly, Perryville.

Senator Mayer introduced to the Senate, representatives of Missouri Ambulatory Surgery Center Association.

Senator Mayer introduced to the Senate, twenty-three eighth grade students from Caruthersville Middle School, and Myrical Jones, Mariah Bullington, Landon Stricklin, Victoria Menton and Tori Hepler were made honorary pages.

Senator Wasson introduced to the Senate, representatives of the Missouri Nurses Association.

Senator Parson introduced to the Senate, Dr. Herb Hamann and physical therapy students from Southwest Baptist University, Bolivar.

Senator Goodman introduced to the Senate, Scott George, Mt. Vernon.

Senator Lager introduced to the Senate, Congressman Sam Graves.

Senator Schaefer introduced to the Senate, his wife, Stacia and their son, Max; and three hundred gifted students from the Columbia Public Schools.

Senator Goodman introduced to the Senate, his sons, Jack Elliott and William True Goodman, Mt. Vernon; and Jack Elliott and William True were made honorary pages.

Senator Pearce introduced to the Senate, Gloria Rapkin, Angela Grigsby, Nicole Yanak, Liz Uptegrove, Carrie Roberts, Katie Warnock, Jessica Luark and Anna Campbell, students from University of Central Missouri, Warrensburg.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-SIXTH DAY—WEDNESDAY, FEBRUARY 23, 2011

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 291-Pearce
 SB 292-Schaaf
 SB 293-Schaaf
 SB 294-Keaveny
 SB 295-Keaveny
 SB 296-Schmitt, et al
 SB 297-Munzlinger
 SB 298-Munzlinger

SB 299-Munzlinger
 SB 300-Munzlinger
 SB 301-Mayer
 SB 302-Engler
 SB 303-Engler
 SB 304-Rupp
 SB 305-Parson
 SB 306-Wasson

SB 307-Justus
SB 308-Nieves
SB 309-Kehoe
SB 310-Justus
SB 311-Pearce
SB 312-Keaveny
SB 313-Schaaf
SB 314-Chappelle-Nadal
SB 315-Chappelle-Nadal

SB 316-McKenna
SB 317-Stouffer
SB 318-Dixon
SB 319-Dixon
SB 320-Lamping, et al
SJR 18-Munzlinger
SJR 19-Chappelle-Nadal
SJR 20-Lager

HOUSE BILLS ON SECOND READING

HB 162-Fisher, et al

HCS for HB 46

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna (In Fiscal Oversight)
SB 33-Stouffer (In Fiscal Oversight)
SJR 2-Stouffer (In Fiscal Oversight)

SCS for SB 108-Schmitt, et al
SB 71-Parson
SS for SCS for SB 58-Stouffer

SENATE BILLS FOR PERFECTION

SB 187-Lager, et al

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SENATE BILLS FOR PERFECTION

SBs 1 & 206-Ridgeway, with SCS
SBs 7, 5, 74 & 169-Goodman, with SCS
SB 8-Goodman, with SCS & SS for SCS
(pending)

SB 28-Brown
SBs 113 & 95-Parson and Engler, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/17

SB 57-Callahan, with SCS
SB 97-Engler

SB 96-Engler

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Journal of the Senate

FIRST REGULAR SESSION

TWENTY-SIXTH DAY—WEDNESDAY, FEBRUARY 23, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Difficult as it is really to listen to someone in affliction, it is just as difficult for him to know that compassion is listening to him.” (Simone Weil)

Merciful God, we know that there is compassion within this body in the work that must be done to help those who are in need. Help us during our committee hearings to listen with ruth and kindness so we have understanding and grace to what is testified and help us be able to communicate our compassion and concern for what we have heard and what is required of each of us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Richard offered Senate Resolution No. 346, regarding Missouri City Clerks and Finance Officers Association of Missouri, which was adopted.

Senator Kehoe offered Senate Resolution No. 347, regarding Joseph Shawn Sommerer, Lohman, which was adopted.

Senator Kehoe offered Senate Resolution No. 348, regarding Larry Kolb and Steve Rollins, which was adopted.

Senator Kehoe offered Senate Resolution No. 349, regarding Twehous Excavating Company, Incorporated, Jefferson City, which was adopted.

Senator Richard offered Senate Resolution No. 350, regarding the Ninetieth Birthday of Dorothy K. Claxton, Joplin, which was adopted.

Senator Kraus offered Senate Resolution No. 351, regarding the Bank of Grain Valley, which was adopted.

Senator Kraus offered Senate Resolution No. 352, regarding Michelle Rusert, Blue Springs, which was adopted.

Senator Kraus offered Senate Resolution No. 353, regarding David Wildschuetz, Grain Valley, which was adopted.

Senator Kraus offered Senate Resolution No. 354, regarding Kevin Quinn, Grain Valley, which was adopted.

Senator Kraus offered Senate Resolution No. 355, regarding Gary D. Smith, Grain Valley, which was adopted.

Senator Kraus offered Senate Resolution No. 356, regarding Sarah Vaughn, Grain Valley, which was adopted.

Senator Kraus offered Senate Resolution No. 357, regarding Matthew Farlin, Grain Valley, which was adopted.

Senator Kraus offered Senate Resolution No. 358, regarding Alyssa N. Webb, Grain Valley, which was adopted.

Senator Engler offered Senate Resolution No. 359, regarding Teren Andrew Burns, Park Hills, which was adopted.

Senator Crowell offered Senate Resolution No. 360, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Laddie Bridwell, Chaffee, which was adopted.

RE-REFERRALS

President Pro Tem Mayer re-referred **SB 175** to the Committee on Small Business, Insurance and Industry.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 321—By Kehoe, Richard, Parson, Dempsey, McKenna, Engler, Schaefer, Stouffer, Lager, Wasson, Chappelle-Nadal, Nieves, Lembke, Cunningham, Green, Dixon, Schaaf, Rupp and Wright-Jones.

An Act to repeal section 393.135, RSMo, and to enact in lieu thereof one new section relating to site development for energy generation facilities.

SB 322—By Schaefer.

An Act to repeal sections 190.839, 198.439, 208.437, 208.480, 338.550, and 633.401, RSMo, and to enact in lieu thereof six new sections relating to certain provider taxes.

SB 323—By Schaefer.

An Act to amend chapter 29, RSMo, by adding thereto one new section relating to audits.

SB 324—By Kraus and Nieves.

An Act to repeal sections 301.120, 301.130, and 301.144, RSMo, section 301.064 as enacted by house committee substitute for senate substitute for senate bill no. 3, eighty-eighth general assembly, first regular session, and section 301.064 as enacted by house bill no. 769, eighty-ninth general assembly, first regular session, and to enact in lieu thereof four new sections relating to the issuance of state license plates.

SB 325—By Wasson.

An Act to amend chapter 324, RSMo, by adding thereto one new section relating to notifying employers regarding the licensing status of employees.

SB 326—By Wasson.

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to a peer review process for licensed architects, landscape architects, land surveyors, and engineers.

SB 327—By Richard.

An Act to repeal sections 643.151 and 644.076, RSMo, and to enact in lieu thereof two new sections relating to recycling companies that convert animal parts into petroleum, with penalty provisions.

SB 328—By Goodman.

An Act to repeal section 351.340, RSMo, and to enact in lieu thereof one new section relating to board meetings of corporations.

SB 329—By Nieves.

An Act to repeal section 162.1250, RSMo, and to enact in lieu thereof one new section relating to virtual schools.

SB 330—By Dixon.

An Act to repeal section 571.107, RSMo, and to enact in lieu thereof one new section relating to the carrying of concealed firearms in the state capitol building.

SB 331—By Lamping and Goodman.

An Act to repeal sections 566.200, 566.203, 566.206, 566.209, 566.212, 566.213, 566.218, and

566.223, RSMo, and to enact in lieu thereof eight new sections relating to human trafficking, with penalty provisions.

SB 332—By Justus, Wright-Jones and Keaveny.

An Act to repeal section 170.015, RSMo, and to enact in lieu thereof one new section relating to sexual education.

SJR 21—By Lembke and Chappelle-Nadal.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 32(a) of article VI of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the city of St. Louis.

SENATE BILLS FOR PERFECTION

Senator Lager moved that **SB 187** be taken up for perfection, which motion prevailed.

Senator Pearce assumed the Chair.

Senator Schaaf offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 187, Page 1, In the Title, Line 3, by striking the word “private”; and

Further amend said bill, section A, line 2, by inserting immediately after said line the following:

“67.402. 1. The governing body of the following counties may enact nuisance abatement ordinances as provided in this section:

(1) Any county of the first classification with more than one hundred thirty-five thousand four hundred but [less] fewer than one hundred thirty-five thousand five hundred inhabitants[.];

(2) Any county of the first classification with more than seventy-one thousand three hundred but [less] fewer than seventy-one thousand four hundred inhabitants[, and];

(3) Any county of the first classification without a charter form of government and with more than one hundred ninety-eight thousand but [less] fewer than one hundred ninety-nine thousand two hundred inhabitants;

(4) Any county of the first classification with more than eighty-five thousand nine hundred but fewer than eighty-six thousand inhabitants;

(5) Any county of the third classification without a township form of government and with more than sixteen thousand four hundred but fewer than sixteen thousand five hundred inhabitants;

(6) Any county of the third classification with a township form of government and with more than fourteen thousand five hundred but fewer than fourteen thousand six hundred inhabitants.

2. The governing body of any county described in subsection 1 of this section may enact ordinances to provide for the abatement of a condition of any lot or land that has the presence of rubbish and trash, lumber, bricks, tin, steel, parts of derelict motorcycles, derelict cars, derelict trucks, derelict construction equipment, derelict appliances, broken furniture, or overgrown or noxious weeds in residential subdivisions

or districts which may endanger public safety or which is unhealthy or unsafe and declared to be a public nuisance.

[2.] **3.** Any ordinance enacted pursuant to this section shall:

(1) Set forth those conditions which constitute a nuisance and which are detrimental to the health, safety, or welfare of the residents of the county;

(2) Provide for duties of inspectors with regard to those conditions which may be declared a nuisance, and shall provide for duties of the building commissioner or designated officer or officers to supervise all inspectors and to hold hearings regarding such property;

(3) Provide for service of adequate notice of the declaration of nuisance, which notice shall specify that the nuisance is to be abated, listing a reasonable time for commencement, and may provide that such notice be served either by personal service or by certified mail, return receipt requested, but if service cannot be had by either of these modes of service, then service may be had by publication. The ordinances shall further provide that the owner, occupant, lessee, mortgagee, agent, and all other persons having an interest in the property as shown by the land records of the recorder of deeds of the county wherein the property is located shall be made parties;

(4) Provide that upon failure to commence work of abating the nuisance within the time specified or upon failure to proceed continuously with the work without unnecessary delay, the building commissioner or designated officer or officers shall call and have a full and adequate hearing upon the matter before the county commission, giving the affected parties at least ten days' written notice of the hearing. Any party may be represented by counsel, and all parties shall have an opportunity to be heard. After the hearings, if evidence supports a finding that the property is a nuisance or detrimental to the health, safety, or welfare of the residents of the county, the county commission shall issue an order making specific findings of fact, based upon competent and substantial evidence, which shows the property to be a nuisance and detrimental to the health, safety, or welfare of the residents of the county and ordering the nuisance abated. If the evidence does not support a finding that the property is a nuisance or detrimental to the health, safety, or welfare of the residents of the county, no order shall be issued.

[3.] **4.** Any ordinance authorized by this section may provide that if the owner fails to begin abating the nuisance within a specific time which shall not be longer than seven days of receiving notice that the nuisance has been ordered removed, the building commissioner or designated officer shall cause the condition which constitutes the nuisance to be removed. If the building commissioner or designated officer causes such condition to be removed or abated, the cost of such removal shall be certified to the county clerk or officer in charge of finance who shall cause the certified cost to be included in a special tax bill or added to the annual real estate tax bill, at the county collector's option, for the property and the certified cost shall be collected by the county collector in the same manner and procedure for collecting real estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property until paid.

226.720. 1. No junkyard shall be established, maintained or operated within two hundred feet of any other state or county road in this state unless such junkyard is **fully** screened from the **state or county** road by a **permanent** tight board or other screen fence not less than ten feet high, or of sufficient height to **fully** screen the wrecked or disabled automobiles or junk kept therein from the view of persons using the **state**

or county road on foot or in vehicles in the ordinary manner, except that nothing in this section shall apply to any junkyard located in any incorporated town, village or city. The provisions of sections 226.650 through 226.710 shall not apply to this section except the definitions appearing in section 226.660.

2. Any person, firm or corporation who establishes, conducts, owns, maintains or operates a junkyard without complying with the provisions of this section shall, [on] **upon their first** conviction, be guilty of a **class C** misdemeanor **and shall be ordered to either remove the junk from the property or build a fence as described in this section.** Any person, firm, or corporation who establishes, conducts, owns, maintains, or operates a junkyard without complying with the provisions of this section shall, **upon their second or subsequent violation, be guilty of a class A misdemeanor and shall be ordered to either remove the junk from the property or build a fence as described in this section.**"; and

Further amend the title and enacting clause accordingly.

Senator Schaaf moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered **SA 2:**

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 187, page 2, section 537.296, Line 42 by inserting immediately after all of said line the following

“7. A copy of the final judgement in any action alleging a private nuisance shall be filed with the recorder of deeds in the county in which the final judgment was issued and shall operate as notice to any purchaser of the claimant’s property that the property was related to a previous claim and judgment for nuisance.”.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Justus offered **SA 3:**

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 187, Page 2, Section 537.296, Line 42, by inserting after all of said line the following:

“7. The provisions of this section shall not apply to any claim for private nuisance by a plaintiff whose property ownership precedes the defendant's activities giving rise to the cause of action.”.

Senator Justus moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Crowell, Green, Keaveny and Mayer.

Senator Schmitt assumed the Chair.

SA 3 failed of adoption by the following vote:

YEAS—Senators

Callahan	Chappelle-Nadal	Crowell	Dixon	Green	Justus	Keaveny	McKenna
Wright-Jones—9							

NAYS—Senators

Brown	Cunningham	Dempsey	Engler	Goodman	Kehoe	Kraus	Lager
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Lamping	Lembke	Mayer	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schmitt	Stouffer	Wasson—23	

Absent—Senators—None

Absent with leave—Senator Schaefer—1

Vacancies—1

On motion of Senator Lager, **SB 187**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 174** and **SS** for **SCS** for **SB 13**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 71**, entitled:

An Act to repeal section 84.010, RSMo, and to enact in lieu thereof eight new sections relating to the St. Louis police force with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

COMMUNICATIONS

President Pro Tem Mayer submitted the following:

February 17, 2011

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Tom Dempsey to the following committee:

Joint Committee on Gaming and Wagering

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

Also,

February 17, 2011

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am reappointing Senator Tom Dempsey to the following commission:

Mississippi River Parkway Commission

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

Also,

February 17, 2011

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Brad Lager to the following committees/board:

Joint Committee on Corrections

Joint Committee on Legislative Research

Joint Committee on Tax Policy

Missouri Investment Trust Board of Trustees

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

Also,

February 17, 2011

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am accepting appointment to the following committee/board:

Joint Committee on Wetlands

Board of Public Buildings

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

Also,

February 17, 2011

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am accepting reappointment to the following commissions:

Missouri Commission on the Delta Regional Authority
Seismic Safety Commission

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

Also,

February 17, 2011

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Mike Parson to the following board/committees:

Missouri Fire Education Trust Fund Board of Trustees
Joint Committee on Legislative Research
Joint Committee on Terrorism, Bioterrorism and Homeland Security
Joint Committee on Wetlands

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

Also,

February 17, 2011

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Chuck Purgason to the following committee:

Joint Committee on Government Accountability

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

Also,

February 17, 2011

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am reappointing Senator Scott Rupp to the following committee/commissions:

Joint Committee on Public Employees Retirement

Children's Services Commission

Missouri Commission on Autism Spectrum Disorders

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

Also,

February 17, 2011

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Scott Rupp to the following committees:

Small Business Compliance Advisory Committee

Joint Committee on Gaming and Wagering

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

Also,

February 17, 2011

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Kurt Schaefer to the following committees:

Joint Legislative Committee on Court Automation
Joint Committee on Government Accountability
Linked Deposits Review Committee
Joint Committee on Legislative Research
Joint Committee on MO Healthnet

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

Also,

February 17, 2011

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Jay Wasson to the following committees:

Advisory Committee on Tobacco Securitization
Joint Committee on County Salaries
Joint Committee on Corrections
Joint Committee on the Life Sciences
Missouri Job Training Joint Legislative Oversight Committee
Joint Committee on Transportation Oversight

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

RESOLUTIONS

Senator Wright-Jones offered Senate Resolution No. 361, regarding the death of Max Starkloff, Saint Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 362, regarding M.D. "Pete" Rothschild, II, Saint Louis, which was adopted.

INTRODUCTIONS OF GUESTS

The President introduced to the Senate, representatives of the Missouri Dermatological Society.

Senator Pearce introduced to the Senate, Allison Mollenhour, Harrisonville; Rusty Sproat and Julie Akers, Warrensburg; Micaela Fisk, Knob Noster; Allyson Smith, Centerview; Jim Spencer, Cass County; and Jordan Ryerson, Brianna Jackson and Amy Franklin, Pleasant Hill.

Senator Schaefer introduced to the Senate, Marissa Tierney, Norborne; Christy Blakemore, Boone County Circuit Clerk; and the Physician of the Day, Dr. Nicholas Golda, M.D., Columbia.

Senator Munzlinger introduced to the Senate, Jordan Henry, Mexico; and Alyssa Talkington, Bowling Green.

Senator Brown introduced to the Senate, Jodi Minor, Chamois; Butch O'Riley, Waynesville; and Cindy Rumpf and John McColloch, Salem.

Senator Kehoe introduced to the Senate, Kimberlie Koechner, Tipton; and Josey Stevens, Prairie Home.

Senator Engler introduced to the Senate, Keila Nesler, Bonne Terre.

On behalf of Senator Wasson and himself, Senator Dixon introduced to the Senate, Steve Helms, Greene County Circuit Clerk; and students from Missouri State University School of Social Work.

Senator Stouffer introduced to the Senate, Rebecca Felten, Pilot Grove.

Senator Goodman introduced to the Senate, Brit Isbell, LeeAnn Morris and Marlana Heimer, Monett.

Senator Justus introduced to the Senate, Jackie Pottier, Gower.

Senator Parson introduced to the Senate, Vicki Hillsman, Rachel Lusk, Samantha Clark, Megan Purdom, Brooke Monge', Jill Carter, Janell Allred and Micah Melling, El Dorado.

Senator Purgason introduced to the Senate, Alexis Duncan, West Plains.

Senator Lager introduced to the Senate, Haley Creason, Trenton.

Senator Mayer introduced to the Senate, Jade Peel, Clarkton; and April Hager, Holcomb.

Senator Ridgeway introduced to the Senate, Sarah Jackson.

Senator Wright-Jones introduced to the Senate, Darion Austell and Imani Bennett, St. Louis.

Senator Crowell introduced to the Senate, Jennifer Brown, Jackson.

Senator Chappelle-Nadal introduced to the Senate, representatives of Hispanic Days.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-SEVENTH DAY—THURSDAY, FEBRUARY 24, 2011

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 291-Pearce	SB 314-Chappelle-Nadal
SB 292-Schaaf	SB 315-Chappelle-Nadal
SB 293-Schaaf	SB 316-McKenna
SB 294-Keaveny	SB 317-Stouffer
SB 295-Keaveny	SB 318-Dixon
SB 296-Schmitt, et al	SB 319-Dixon
SB 297-Munzlinger	SB 320-Lamping, et al
SB 298-Munzlinger	SB 321-Kehoe, et al
SB 299-Munzlinger	SB 322-Schaefer
SB 300-Munzlinger	SB 323-Schaefer
SB 301-Mayer	SB 324-Kraus and Nieves
SB 302-Engler	SB 325-Wasson
SB 303-Engler	SB 326-Wasson
SB 304-Rupp	SB 327-Richard
SB 305-Parson	SB 328-Goodman
SB 306-Wasson	SB 329-Nieves
SB 307-Justus	SB 330-Dixon
SB 308-Nieves	SB 331-Lamping and Goodman
SB 309-Kehoe	SB 332-Justus, et al
SB 310-Justus	SJR 18-Munzlinger
SB 311-Pearce	SJR 19-Chappelle-Nadal
SB 312-Keaveny	SJR 20-Lager
SB 313-Schaaf	SJR 21-Lembke and Chappelle-Nadal

HOUSE BILLS ON SECOND READING

HB 162-Fisher, et al	HB 71-Nasheed, et al
HCS for HB 46	

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna (In Fiscal Oversight)	SB 33-Stouffer (In Fiscal Oversight) SJR 2-Stouffer (In Fiscal Oversight)
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SCS for SB 108-Schmitt, et al
SB 71-Parson
SS for SCS for SB 58-Stouffer

SB 174-Dempsey
SS for SCS for SB 13-Pearce

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SENATE BILLS FOR PERFECTION

SBs 1 & 206-Ridgeway, with SCS
SBs 7, 5, 74 & 169-Goodman, with SCS
SB 8-Goodman, with SCS & SS for SCS
(pending)

SB 28-Brown
SBs 113 & 95-Parson and Engler, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/17

SB 57-Callahan, with SCS
SB 97-Engler

SB 96-Engler

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Journal of the Senate

FIRST REGULAR SESSION

TWENTY-SEVENTH DAY—THURSDAY, FEBRUARY 24, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Blessed are those who can give without remembering and take without forgetting.” (Elizabeth Bibesco)

We pray, O Lord, that this day and weekend will find Your blessings upon us and that charitable love will lubricate our varied relationships in life. May our love be soothing for those we live with bringing harmony and deep caring for one another. And we would pray You help us have a sense of charity as we minister to those in our district who stand in need of our help and what we have to offer. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Kraus offered Senate Resolution No. 363, regarding Tony R. Ward, Grain Valley, which was adopted.

Senator Kraus offered Senate Resolution No. 364, regarding James M. Schmidt, Grain Valley, which was adopted.

Senator Kraus offered Senate Resolution No. 365, regarding Sandy Morain, Grain Valley, which was adopted.

Senator Kraus offered Senate Resolution No. 366, regarding Jon Davidson, Grain Valley, which was adopted.

Senator Kraus offered Senate Resolution No. 367, regarding Barbara Murry, Grain Valley, which was adopted.

Senator Kraus offered Senate Resolution No. 368, regarding Yolanda M. West, Grain Valley, which was adopted.

Senator Ridgeway offered Senate Resolution No. 369, regarding Zachery Ildza, which was adopted.

Senator Ridgeway offered Senate Resolution No. 370, regarding Joshua Coday, which was adopted.

Senator McKenna offered Senate Resolution No. 371, regarding William “Billy” Pruneau, Jr., Festus, which was adopted.

Senator McKenna offered Senate Resolution No. 372, regarding the Fiftieth Birthday of Lynden Craig Sherman, Festus, which was adopted.

Senator McKenna offered Senate Resolution No. 373, regarding the Fiftieth Birthday of Christina Marie Haggard Sherman, Festus, which was adopted.

Senator Richard offered Senate Resolution No. 374, regarding the 2010-2011 Class 3 State Champion Neosho High School Wrestling team, which was adopted.

Senator Kehoe offered Senate Resolution No. 375, regarding Ken and Karen McCutcheon, Versailles, which was adopted.

Senator Goodman offered Senate Resolution No. 376, regarding Sheryl Brashear, Rockaway Beach, which was adopted.

Senator Goodman offered Senate Resolution No. 377, regarding LaVaughn “Vonnie” Fuqua-Mathiesen, Hollister, which was adopted.

Senator Brown offered Senate Resolution No. 378, regarding Walmart Transportation, Saint James, which was adopted.

Senator Brown offered Senate Resolution No. 379, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Norman Ray Drewel, Belle, which was adopted.

Senator Kehoe offered Senate Resolution No. 380, regarding Benjamin Joseph Struempf, Jefferson City, which was adopted.

Senator Dixon offered Senate Resolution No. 381, regarding Joe E. Roberds, Springfield, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 333—By Schaaf.

An Act to amend chapters 192, 208, 376, and 630, RSMo, by adding thereto four new sections relating to health care.

SB 334—By Schaaf.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to MO HealthNet managed care data.

SB 335—By Schaaf.

An Act to repeal section 32.057, RSMo, and to enact in lieu thereof one new section relating to confidentiality of department of revenue records, with existing penalty provisions.

SB 336—By Munzlinger.

An Act to repeal sections 263.190, 263.200, 263.205, 263.220, 263.230, 263.232, 263.240, 263.241, and 263.450, RSMo, and to enact in lieu thereof five new sections relating to agriculture, with penalty provisions.

SB 337—By Munzlinger.

An Act to repeal section 268.121, RSMo, and to enact in lieu thereof one new section relating to agriculture.

SB 338—By Lager.

An Act to repeal section 565.035, RSMo, and to enact in lieu thereof one new section relating to supreme court records.

SB 339—By Rupp.

An Act to repeal sections 210.211 and 210.245, RSMo, and to enact in lieu thereof four new sections relating to child care, with a penalty provision.

SB 340—By Wasson.

An Act to repeal sections 333.041, 333.042, 333.051, 333.061, and 333.091, RSMo, and to enact in lieu thereof five new sections relating to licensing by the board of embalmers and funeral directors.

SB 341—By Nieves.

An Act to repeal sections 8.172 and 8.460, RSMo, and to enact in lieu thereof two new sections relating to the preferential use of the capitol complex by private entities.

SB 342—By Justus.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to foster care students.

SB 343—By Wright-Jones.

An Act to amend chapter 565, RSMo, by adding thereto three new sections relating to the creation of the crime of assaulting an employee of a mass transit system while in the scope of his or her duties, with

penalty provisions.

SB 344—By Wright-Jones.

An Act to repeal section 376.782, RSMo, and to enact in lieu thereof one new section relating to health insurance coverage for mammography screenings.

SB 345—By Wright-Jones.

An Act to amend chapter 37, RSMo, by adding thereto one new section relating to the council on digital inclusion.

SB 346—By Wright-Jones.

An Act to amend chapter 192, RSMo, by adding thereto eleven new sections relating to reporting of medical harm events, with penalty provisions.

SB 347—By Wright-Jones.

An Act to repeal section 70.441, RSMo, and to enact in lieu thereof one new section relating to reimbursing bi-state development agency for the reasonable costs attributable to investigating and prosecuting fare evasion offenses, with penalty provisions.

SB 348—By Wright-Jones, Keaveny and Justus.

An Act to repeal section 170.015, RSMo, and to enact in lieu thereof seven new sections relating to increasing preventive health services through the prevention first act.

SB 349—By Ridgeway.

An Act to repeal section 558.019, RSMo, and to enact in lieu thereof one new section relating to abolishing the sentencing advisory commission, with existing penalty provisions.

SB 350—By Dixon and Ridgeway.

An Act to amend chapter 536, RSMo, by adding thereto one new section relating to the repromulgation of state administrative rules.

SB 351—By Lamping.

An Act to repeal section 453.121, RSMo, and to enact in lieu thereof two new sections relating to adoption records.

SB 352—By Engler.

An Act to amend chapter 559, RSMo, by adding thereto one new section relating to a mental health assessment pilot program.

Senator Rupp assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Purgason, Chairman of the Committee on Ways and Means and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Ways and Means and Fiscal Oversight, to which was referred **SJR 2**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Also,

Mr. President: Your Committee on Ways and Means and Fiscal Oversight, to which was referred **SB 33**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 187**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Mayer, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointment, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Heidi M. Hernandez and Debra Simaitis, as members of the Organ Donation Advisory Committee;

Also,

Kristi Kenney and James Cunningham, as members of the Child Abuse and Neglect Review Board;

Also,

Michael Marlo, as a member of the Missouri Fire Safety Advisory Board;

Also,

Deborah S. Fritz, as a member of the Missouri State Board of Accountancy;

Also,

Charles J. Gulas, as a member of the Advisory Commission for Physical Therapists;

Also,

Dalton Wright and Elizabeth G. Sims, Republicans, as members of the Coordinating Board for Higher Education;

Also,

Dorothy Grange, as a member of the Missouri Genetic Advisory Committee;

Also,

Craig Miner, as a member of the Committee for Professional Counselors;

Also,

Timothy D. McBride, Carmen D. Parker-Bradshaw, Mark Sanford and Kecia Leary, as members of the MO HealthNet Oversight Committee;

Also,

Jessa R. Love and Thomas Davis, as members of the Behavior Analyst Advisory Board.

Senator Mayer requested unanimous consent of the Senate to vote on the above reports in one motion.

There being no objection, the request was granted.

Senator Mayer moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointment, which motion prevailed.

THIRD READING OF SENATE BILLS

SB 33, introduced by Senator Stouffer, entitled:

An Act to repeal section 226.095, RSMo, relating to the abolishment of mandatory arbitration in negligence actions where the department of transportation is a defendant.

Was taken up.

On motion of Senator Stouffer, **SB 33** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Crowell	Cunningham	Dempsey	Dixon	Engler	Goodman
Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	Lembke
Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senator Chappelle-Nadal—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SJR 2, introduced by Senator Stouffer, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article VIII of the Constitution of Missouri, and adopting one new section relating to voter photo identification.

Was taken up.

On motion of Senator Stouffer, **SJR 2** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Crowell	Cunningham	Dempsey	Dixon	Engler	Goodman	Kehoe
Kraus	Lager	Lamping	Lembke	Mayer	Munzlinger	Nieves	Parson
Pearce	Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt
Stouffer	Wasson—26						

NAYS—Senators

Callahan Chappelle-Nadal Green Justus Keaveny McKenna Wright-Jones—7

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the joint resolution passed.

On motion of Senator Stouffer, title to the joint resolution was agreed to.

Senator Stouffer moved that the vote by which the joint resolution passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SCS for SB 108, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 108

An Act to repeal section 67.281 as enacted by senate substitute no. 2 for senate committee substitute for house bill no. 103, ninety-fifth general assembly, first regular session, and section 67.281 as enacted by conference committee substitute for senate bill no. 513, ninety-fifth general assembly, first regular session, and to enact in lieu thereof one new section relating to the installation of fire sprinklers in certain dwellings.

Was taken up by Senator Schmitt.

On motion of Senator Schmitt, **SCS for SB 108** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Wasson—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Schmitt, title to the bill was agreed to.

Senator Schmitt moved that the vote by which the bill passed be reconsidered.

Senator Lager moved that motion lay on the table, which motion prevailed.

SB 71, introduced by Senator Parson, entitled:

An Act to repeal section 339.1115, RSMo, and to enact in lieu thereof one new section relating to certain notices required by the Missouri appraisal management company registration and regulation act.

Was taken up.

On motion of Senator Parson, **SB 71** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Engler	Goodman
Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	Lembke
Mayer	Munzlinger	Nieves	Parson	Pearce	Richard	Ridgeway	Rupp
Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—30		

NAYS—Senator Crowell—1

Absent—Senators

McKenna Purgason—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Parson, title to the bill was agreed to.

Senator Parson moved that the vote by which the bill passed be reconsidered.

Senator Callahan moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 58**, introduced by Senator Stouffer, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 58

An Act to repeal sections 387.040, 387.050, 387.080, 387.137, 387.139, 387.207, 387.110, 390.051, 390.061, 390.081, 390.101, 390.116, and 390.280, RSMo, and to enact in lieu thereof fifteen new sections relating to motor carrier transportation regulated by the state highways and transportation commission.

Was taken up.

On motion of Senator Stouffer, **SS** for **SCS** for **SB 58** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson
Wright-Jones—33							

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SB 174, introduced by Senator Dempsey, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to the imposition of fees for the repair of water service lines in certain municipalities.

Was taken up.

On motion of Senator Dempsey, **SB 174** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Lager	Lamping	Lembke
Mayer	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard	Ridgeway
Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—31	

NAYS—Senator Kraus—1

Absent—Senators—None

Absent with leave—Senator McKenna—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Dempsey, title to the bill was agreed to.

Senator Dempsey moved that the vote by which the bill passed be reconsidered.

Senator Mayer moved that motion lay on the table, which motion prevailed.

SS for SCS for SB 13, introduced by Senator Pearce, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 13

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to a task force to study teacher compensation.

Was taken up.

On motion of Senator Pearce, **SS** for **SCS** for **SB 13** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	Munzlinger	Nieves	Parson	Pearce	Richard	Ridgeway
Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senator Purgason—1

Absent with leave—Senator McKenna—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Senator Lager raised the point of order that Senator Pearce violated the provisions of Senate Rule 81 when answering roll.

The point of order was referred to the President Pro Tem who ruled it well taken.

President Pro Tem Mayer assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Callahan, Chairman of the Committee on Progress and Development, submitted the following report:

Mr. President: Your Committee on Progress and Development, to which was referred **SB 23**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Ridgeway, Chairman of the Committee on Health, Mental Health, Seniors and Families, Senator Dempsey submitted the following reports:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 204**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 180**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 38**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Engler, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 83**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 219**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 226**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 77**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 133**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **HCS** for **HB 163**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 166**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Lager, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 101**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 101, Page 1, Section 407.725, Lines 19-21, by striking said lines and inserting

in lieu thereof the following: “**item of monetary value for any reason.**”; and

Further amend said bill and section, Page 3, Lines 86 and 87, by striking said lines and inserting in lieu thereof the following: “**be considered an unfair practice pursuant to the Missouri merchandising practices act as codified in this chapter.**”.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 188**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Cunningham, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **SB 243**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Schmitt, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following report:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 145**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Munzlinger, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 55**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 161**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 63**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Pearce assumed the Chair.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 14**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2011.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 15**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2011.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 139**, entitled:

An Act to amend chapter 37, RSMo, by adding thereto four new sections relating to the Missouri accountability portal.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 209**, entitled:

An Act to repeal section 537.296, RSMo, and to enact in lieu thereof one new section relating to private nuisances.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 107**, entitled:

An Act to repeal sections 28.190, 29.280, 30.060, 30.070, 30.080, 105.030, 105.040, and 105.050, RSMo, and to enact in lieu thereof nine new sections relating to vacancies in certain statewide offices.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 205**, entitled:

An Act to repeal sections 213.010, 213.101, and 213.111, RSMo, and to enact in lieu thereof four new sections relating to unlawful practices in employment.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 291—Education.

SB 292—General Laws.

SB 293—Ways and Means and Fiscal Oversight.

SB 294—Education.

SB 295—Commerce, Consumer Protection, Energy and the Environment.

SB 296—Jobs, Economic Development and Local Government.

SB 297—Commerce, Consumer Protection, Energy and the Environment.

SB 298—General Laws.

SB 299—Agriculture, Food Production and Outdoor Resources.

SB 300—Agriculture, Food Production and Outdoor Resources.

SB 301—Small Business, Insurance and Industry.

SB 302—Health, Mental Health, Seniors and Families.

SB 303—Financial and Governmental Organizations and Elections.

SB 304—Small Business, Insurance and Industry.

SB 305—Commerce, Consumer Protection, Energy and the Environment.

SB 306—Financial and Governmental Organizations and Elections.

SB 307—Judiciary and Civil and Criminal Jurisprudence.

SB 308—Judiciary and Civil and Criminal Jurisprudence.

SB 309—Jobs, Economic Development and Local Government.

SB 310—Agriculture, Food Production and Outdoor Resources.

SB 311—Health, Mental Health, Seniors and Families.

SB 312—Health, Mental Health, Seniors and Families.

SB 313—Jobs, Economic Development and Local Government.

SB 314—Judiciary and Civil and Criminal Jurisprudence.

SB 315—Small Business, Insurance and Industry.

SB 316—General Laws.

SB 317—Financial and Governmental Organizations and Elections.

SB 318—Financial and Governmental Organizations and Elections.

SB 319—Health, Mental Health, Seniors and Families.

SB 320—Judiciary and Civil and Criminal Jurisprudence.

SJR 18—Ways and Means and Fiscal Oversight.

SJR 19—Jobs, Economic Development and Local Government.

SJR 20—Ways and Means and Fiscal Oversight.

COMMUNICATIONS

President Pro Tem Mayer submitted the following:

February 17, 2011

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Jason Crowell to the following council/committee:

Missouri Arts Council Trust Fund Board of Trustees
Joint Committee on Gaming and Wagering

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

Also,

February 17, 2011

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Mike Kehoe to the following committees/boards/commission:

Joint Committee on Corrections
Joint Review Committee on Downtown & Rural Economic Stimulus Act
Joint Committee on Transportation Oversight
Joint Committee on Urban Voluntary School Transfer Programs
Low Level Radioactive Waste Compact Advisory Committee
Highway Employees' and Highway Patrol Retirement System Board of Trustees
Southern States Energy Board

Missouri State Capitol Commission

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

Also,

February 17, 2011

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Brad Lager to the following committees:

Joint Committee on Tax Increment Financing
Simplified Sales Tax Project

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

Also,

February 17, 2011

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator John Lamping to the following board/committees/commission:

Children's Trust Fund Board
Joint Review Committee on Downtown & Rural Economic Stimulus Act
Joint Committee on Public Employee Retirement
Joint Committee on Transportation Oversight
Joint Committee on Tax Policy
State Employees Voluntary Life Insurance Commission

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

Also,

February 17, 2011

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Brian Nieves to the following council/committees:

Missouri Humanities Council Trust Fund
Advisory Committee on Tobacco Securitization
Joint Committee on Urban Voluntary School Transfer Programs

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

Also,

February 17, 2011

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Ron Richard to the following committees:

Advisory Committee on Tobacco Securitization
Joint Committee on County Salaries
Joint Committee on the Life Sciences
Missouri Job Training on Joint Legislative Oversight Committee
Workers Memorial Committee

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

Also,

February 17, 2011

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Eric Schmitt to the following committees:

Administrative Law Judge Review Committee

Quality Jobs Advisory Task Force

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

Also,

February 17, 2011

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am reappointing Senator Eric Schmitt to the following committees:

Joint Committee on MO Healthnet

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

Also,

February 17, 2011

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Bill Stouffer to the following council/commission:

Coordinating Council on Special Transportation
Midwestern Interstate Passage Rail Compact Commission

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Schaefer introduced to the Senate, Sheldon Toepke, Morgan Kerr-Totten, Nancy Francis, Kelly Wildorf, H.C. Russell and William Kessler, University of Missouri Extension Center.

Senator Schaefer introduced to the Senate, Rose Hayden, Nancy Fay, Joe Moore, Taryn Ellis, Jeff Carr, Meredith Huffman and Kelsey Finnegan, University of Missouri, Columbia.

The President introduced to the Senate, Steve Boyers, Poplar Bluff.

Senator Lembke introduced to the Senate, Wimpy Kenner, John Grissom, Bud Reber and Roxanne Miller, First Senatorial District.

Senator Dixon introduced to the Senate, Lela Panagides and Wes Pratt, Springfield.

Senator Brown introduced to the Senate, Chancellor John F. Carney, III, Missouri University of Science and Technology, Rolla.

Senator McKenna introduced to the Senate, Linda Wolf and Linda Dollas.

Senator Wasson introduced to the Senate, Walt Martens and Bill and Charlotte Edwards.

Senator Pearce introduced to the Senate, Congresswoman Vicky Hartzler.

Senator Brown introduced to the Senate, his grandson, Brody Neal Brown and one hundred twenty fourth grade students from Mark Twain Elementary School, Rolla; and Brody was made an honorary page.

Senator Ridgeway introduced to the Senate, Peggy Mosbacher, Nicole Harringer, Karlin Peters, Paige Carter and Carol Kesler, Kearney.

Senator Justus introduced to the Senate, Amber and Harper Charles Hatcher, Columbia; and Joe and Nancy Schwierjohn, Highland Springs.

On motion of Senator Dempsey, the Senate adjourned until 4:00 p.m., Monday, February 28, 2011.

SENATE CALENDAR

TWENTY-EIGHTH DAY—MONDAY, FEBRUARY 28, 2011

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 321-Kehoe, et al	SB 334-Schaaf
SB 322-Schaefer	SB 335-Schaaf
SB 323-Schaefer	SB 336-Munzlinger
SB 324-Kraus and Nieves	SB 337-Munzlinger
SB 325-Wasson	SB 338-Lager
SB 326-Wasson	SB 339-Rupp
SB 327-Richard	SB 340-Wasson
SB 328-Goodman	SB 341-Nieves
SB 329-Nieves	SB 342-Justus
SB 330-Dixon	SB 343-Wright-Jones
SB 331-Lamping and Goodman	SB 344-Wright-Jones
SB 332-Justus, et al	SB 345-Wright-Jones
SB 333-Schaaf	SB 346-Wright-Jones

SB 347-Wright-Jones
 SB 348-Wright-Jones, et al
 SB 349-Ridgeway
 SB 350-Dixon and Ridgeway

SB 351-Lamping
 SB 352-Engler
 SJR 21-Lembke and Chappelle-Nadal

HOUSE BILLS ON SECOND READING

HB 162-Fisher, et al
 HCS for HB 46
 HB 71-Nasheed, et al
 HCS for HB 14
 HB 15-Silvey

HB 139-Smith (150), et al
 HB 209-Guernsey, et al
 HB 107-Smith (150), et al
 HCS for HB 205

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna (In Fiscal Oversight) SB 187-Lager, et al

SENATE BILLS FOR PERFECTION

1. SB 23-Keaveny, with SCS
2. SB 204-Dempsey, et al
3. SB 180-Kraus and Justus
4. SB 38-Wright-Jones
5. SB 83-Pearce
6. SB 77-Stouffer
7. SB 133-Rupp, with SCS

8. SB 166-Goodman, with SCS
9. SB 101-Parson, with SCA 1
10. SB 188-Lager, et al, with SCS
11. SB 243-Cunningham
12. SB 55-Brown
13. SB 161-Munzlinger

HOUSE BILLS ON THIRD READING

HCS for HB 163, with SCS (Pearce)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SENATE BILLS FOR PERFECTION

SBs 1 & 206-Ridgeway, with SCS
 SBs 7, 5, 74 & 169-Goodman, with SCS

SB 8-Goodman, with SCS & SS for SCS
 (pending)

SB 28-Brown

SBs 113 & 95-Parson and Engler, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/17

SB 57-Callahan, with SCS
SB 97-Engler

SB 96-Engler

Reported 2/24

SB 219-Wasson, with SCS
SB 226-Engler

SB 145-Dempsey
SB 63-Mayer

✓

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-EIGHTH DAY—MONDAY, FEBRUARY 28, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Cultivate a thankful spirit! It will be to thee a perpetual feast.” (J.R. MacDuff)

Dear God, in spite of rain and wind damage we are thankful that no one died in the fury that passed through Missouri last night and we are grateful for our safe travel here this day. We ask that You continue to abide with us and guide our thoughts and actions this week as we deal with what is most important for us to accomplish. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 24, 2011 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Engler	Goodman
Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	Lembke
Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard
Ridgeway	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—31	

Absent—Senators—None

Absent with leave—Senators

Crowell Rupp—2

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Nieves offered Senate Resolution No. 382, regarding Kristen Beineke, Lake St. Louis, which was adopted.

Senator Nieves offered Senate Resolution No. 383, regarding Rita Nikonowicz, Washington, which was adopted.

Senator Nieves offered Senate Resolution No. 384, regarding Erin Gaebe, New Haven, which was adopted.

Senator Nieves offered Senate Resolution No. 385, regarding Penny Heisel, Labadie, which was adopted.

Senator Nieves offered Senate Resolution No. 386, regarding Michael Pelts, Warrenton, which was adopted.

Senator Engler offered Senate Resolution No. 387, regarding William C. and Mary Beth Miller, Farmington, which was adopted.

Senator Engler offered Senate Resolution No. 388, regarding John and Arlene Jackson, Farmington, which was adopted.

Senator Kehoe offered Senate Resolution No. 389, regarding Marvin W. Opie, Versailles, which was adopted.

Senator Munzlinger offered Senate Resolution No. 390, regarding the 2010-2011 Mexico High School wrestling team, which was adopted.

Senator Munzlinger offered Senate Resolution No. 391, regarding the 2011 Missouri Military Academy rifle team, which was adopted.

Senators Lamping and Chappelle-Nadal offered Senate Resolution No. 392, regarding Linda Ballard, University City, which was adopted.

Senator Lamping offered Senate Resolution No. 393, regarding Susan Denise Baum, Maryland Heights, which was adopted.

Senator Justus offered Senate Resolution No. 394, regarding Faultless Starch/Bon Ami Company, Kansas City, which was adopted.

Senator Justus offered Senate Resolution No. 395, regarding Sally Schwenk, which was adopted.

Senator Justus offered Senate Resolution No. 396, regarding Charles A. and Lisa Schmitz, which was adopted.

Senator Lager offered Senate Resolution No. 397, regarding Kristen Ehrich, Laclede, which was adopted.

Senator Kraus offered Senate Resolution No. 398, regarding Linda Wessel, Buckner, which was adopted.

Senator Kraus offered Senate Resolution No. 399, regarding the One Hundredth Birthday of Veatrice Henson, Grain Valley, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 353—By Engler.

An Act to repeal sections 43.260 and 43.265, RSMo, and to enact in lieu thereof two new sections relating to surplus highway patrol property.

SB 354—By Schaaf.

An Act to repeal section 195.017, RSMo, and to enact in lieu thereof one new section relating to controlled substances, with an existing penalty provision.

SB 355—By Schaaf.

An Act to repeal section 105.463, RSMo, and to enact in lieu thereof two new sections relating to gubernatorial appointments.

SB 356—By Munzlinger.

An Act to repeal sections 276.416, 276.421, 276.436, 276.441, 276.446, and 411.280, RSMo, and to enact in lieu thereof four new sections relating to grain sale and storage, with existing penalty provisions.

SB 357—By Munzlinger.

An Act to repeal sections 137.010 and 137.080, RSMo, and section 137.115 as enacted by senate committee substitute for senate bill no. 630, ninety-fifth general assembly, second regular session, and section 137.115 as enacted by senate substitute for senate committee substitute for house committee substitute for house bill no. 2058 merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 711 merged with conference committee substitute for house committee substitute no. 2 for senate substitute for senate committee substitute for senate bill no. 718, ninety-fourth general assembly, second regular session, and to enact in lieu thereof three new sections relating to the assessment of hydroelectric power generating property for tax purposes.

SB 358—By Wasson.

An Act to repeal sections 337.500 and 337.510, RSMo, and to enact in lieu thereof two new sections relating to licensed professional counselors.

SB 359—By Lager.

An Act to repeal section 393.135, RSMo, and to enact in lieu thereof one new section relating to site development for energy generation facilities.

SB 360—By Lager.

An Act to amend chapter 67, RSMo, by adding thereto five new sections relating to a county drinking water supply lake authority.

SB 361—By Justus.

An Act to repeal sections 534.030, 534.310, and 535.300, RSMo, and to enact in lieu thereof three new sections relating to the landlord-tenant law.

SB 362—By Justus.

An Act to amend chapter 455, RSMo, by adding thereto three new sections relating to domestic violence fatality review panels.

SB 363—By Justus.

An Act to repeal sections 221.105, 559.100, 566.067, 595.036, 595.037, and 595.060, RSMo, and to enact in lieu thereof ten new sections relating to crime, with penalty provisions.

SB 364—By Pearce.

An Act to amend chapter 67, RSMo, by adding thereto twenty-one new sections relating to recreational systems of political subdivisions.

SB 365—By Goodman.

An Act to repeal section 208.010, RSMo, and to enact in lieu thereof one new section relating to trusts to pay for funeral services, facilities, or merchandise.

SB 366—By Goodman.

An Act to amend chapter 351, RSMo, by adding thereto seventy-seven new sections relating to the Missouri cooperative associations act, with penalty provisions.

SB 367—By Nieves and Stouffer.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the health care compact.

SB 368—By Stouffer.

An Act to repeal sections 60.510, 60.530, 60.540, 60.550, 60.560, 60.580, 60.590, 60.595, 60.600, 60.610, 60.620, 60.653, 60.670, 261.023, and 640.010, RSMo, and to enact in lieu thereof fifteen new sections relating to the state land survey program, with existing penalty provisions.

SB 369—By Cunningham.

An Act to repeal sections 160.400, 160.410, 160.415, 160.420, 167.131, 167.241, 171.171, and 177.011, RSMo, and to enact in lieu thereof nine new sections relating to school enrollment.

SB 370—By Cunningham.

An Act to repeal sections 160.410, 160.415, 160.420, 167.131, 167.241, and 171.171, RSMo, and to enact in lieu thereof six new sections relating to school enrollment.

SB 371—By Cunningham.

An Act to repeal section 162.081, RSMo, and to enact in lieu thereof one new section relating to lapsed school districts.

SB 372—By Cunningham.

An Act to repeal sections 160.045, 163.172, 168.102, 168.221, and 168.410, RSMo, and to enact in lieu thereof nineteen new sections relating to teacher continuing contracts.

SB 373—By Dempsey.

An Act to repeal sections 287.120, 287.220, 287.690, and 287.715, RSMo, and to enact in lieu thereof four new sections relating to workers' compensation.

SB 374—By Parson.

An Act to amend chapter 59, RSMo, by adding thereto two new sections relating to county recorders.

SB 375—By Parson.

An Act to repeal section 196.1003, RSMo, and to enact in lieu thereof one new section relating to the tobacco master settlement agreement, with an emergency clause.

SB 376—By Parson.

An Act to repeal sections 393.275 and 660.122, RSMo, and to enact in lieu thereof two new sections relating to utilities.

SB 377—By Parson.

An Act to repeal section 137.1018, RSMo, and to enact in lieu thereof one new section relating to the extension of the sunset on the rolling stock tax credit.

SB 378—By Kehoe.

An Act to repeal section 227.107, RSMo, and to enact in lieu thereof one new section relating to highway design-build project contracts.

SB 379—By Kehoe.

An Act to amend chapters 516 and 537, RSMo, by adding thereto two new sections relating to products liability.

SB 380—By Green.

An Act to amend chapter 33, RSMo, by adding thereto one new section relating to the transfer of certain fund balances to the general revenue fund.

SB 381—By Dixon.

An Act to amend chapter 488, RSMo, by adding thereto one new section relating to court costs.

SB 382—By Chappelle-Nadal.

An Act to amend chapter 324, RSMo, by adding thereto sixteen new sections relating to the licensing of clinical laboratory science personnel, with penalty provisions.

SB 383—By Richard.

An Act to repeal section 144.054, RSMo, and to enact in lieu thereof one new section relating to sales and use tax exemptions for manufacturing.

SJR 22—By Parson.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article III of the Constitution of Missouri, and adopting one new section relating to a member of the General Assembly removing himself or herself from the state for the purpose of avoiding any official duty or vote.

Senator Schmitt assumed the Chair.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 14**—Appropriations.

HB 15—Appropriations.

SENATE BILLS FOR PERFECTION

At the request of Senator Keaveny, **SB 23**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Dempsey, **SB 204** was placed on the Informal Calendar.

Senator Kraus moved that **SB 180** be taken up for perfection, which motion prevailed.

On motion of Senator Kraus, **SB 180** was declared perfected and ordered printed.

Senator Wright-Jones moved that **SB 38** be taken up for perfection, which motion prevailed.

On motion of Senator Wright-Jones, **SB 38** was declared perfected and ordered printed.

Senator Pearce moved that **SB 83** be taken up for perfection, which motion prevailed.

On motion of Senator Pearce, **SB 83** was declared perfected and ordered printed.

Senator Stouffer moved that **SB 77** be taken up for perfection, which motion prevailed.

On motion of Senator Stouffer, **SB 77** was declared perfected and ordered printed.

SB 133, with **SCS**, was placed on the Informal Calendar.

Senator Goodman moved that **SB 166**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 166**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 166

An Act to repeal section 381.115, RSMo, and to enact in lieu thereof one new section relating to the licensure of title agencies and title agents.

Was taken up.

Senator Goodman moved that **SCS** for **SB 166** be adopted, which motion prevailed.

On motion of Senator Goodman, **SCS** for **SB 166** was declared perfected and ordered printed.

Senator Parson moved that **SB 101**, with **SCA 1**, be taken up for perfection, which motion prevailed.

At the request of Senator Parson, **SB 101**, with **SCA 1**, was placed on the Informal Calendar.

THIRD READING OF SENATE BILLS

SB 187, introduced by Senator Lager, et al, entitled:

An Act to repeal sections 67.402, 226.720, and 537.296, RSMo, and to enact in lieu thereof three new sections relating to nuisance actions.

Was taken up.

On motion of Senator Lager, **SB 187** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Cunningham	Dempsey	Dixon	Engler	Goodman	Kehoe
Kraus	Lager	Lamping	Lembke	Mayer	Munzlinger	Nieves	Parson
Pearce	Purgason	Richard	Ridgeway	Schaaf	Schmitt	Stouffer	Wasson—24

NAYS—Senators

Chappelle-Nadal	Green	Justus	Keaveny	McKenna	Wright-Jones—6
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Absent—Senator Schaefer—1

Absent with leave—Senators

Crowell	Rupp—2
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Vacancies—1

The President declared the bill passed.

On motion of Senator Lager, title to the bill was agreed to.

Senator Lager moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCR 3**, entitled:

HOUSE CONCURRENT RESOLUTION NO. 3

Relating to submission of a proposed federal balanced budget amendment to the United States Constitution.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

WHEREAS, under Article V of the Constitution of the United States:

“The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by Congress”; and

WHEREAS, the following Amendment to the United States Constitution is proposed:

“Section 1. The annual expenditures of the Congress shall not exceed the annual revenue for any year, save for the use of monetary reserves, except as provided for in Sections 2 and 3.

Section 2. The Congress shall not borrow from any source, including its own funds and trusts, for any expense, except for the extraordinary costs of a declared war or armed conflict, or for a fiscal emergency declared by Congress and signed by the President of the United States.

Section 3. The Congress may issue special bonds for specific capital projects, which shall, in turn, be extinguished within twenty years of issuance. The cumulative total of all bonds issued in this manner shall never exceed twenty percent of the total private sector earned income.

Section 4. This amendment shall take effect beginning the third fiscal year after its ratification.

Section 5. This resolution shall not be construed as an application for a constitutional convention to the United States Constitution pursuant to Article V thereof.”:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, First Regular Session, the Senate concurring therein, hereby submit this resolution for a federal balanced budget Amendment to the United States Constitution and, pursuant to Article V of the United States Constitution, respectfully urge the United States Congress to submit the proposed Amendment to the United States Constitution to the States for ratification and inclusion in the United States Constitution; and

BE IT RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Majority and Minority Leaders of the United States Senate and House of Representatives, and each member of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

COMMUNICATIONS

Senator Crowell submitted the following:

February 24, 2011

Ms. Terry Spieler
Secretary of Senate
State Capitol Building – Room 325
Jefferson City, Missouri 65101

Dear Madame Secretary:

I respectfully request that the following bills be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

SB 63 (Mayer) – Prohibits large water consumers from taking water outside of the Southeast Missouri Water District if such activity interferes with certain others’ use of the water.

SB 145 (Dempsey) – Requires the auditor of any county with a charter form of government to take an annual inventory of county property with an original value of \$1,000 or more, rather than \$250.

SB 219 (Wasson) – Allows owners of automated teller machines to charge access fees to those with bank accounts in foreign countries.

SB 226 (Engler) – Allows members of an ambulance district board of directors to be subject to recall from office.

Sincerely,
/s/ Jason Crowell
Jason G. Crowell
State Senator

President Pro Tem Mayer submitted the following:

February 17, 2011

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Dan Brown to the following commission/committees:

Missouri Boundary Commission

Joint Review Committee on Downtown & Rural Economic Stimulus Act
Joint Committee on the Life Sciences

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

Also,

February 17, 2011

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Jane Cunningham to the following committees/council:

Missouri Humanities Council Trust Fund
Joint Committee on Urban Voluntary School Transfer Programs

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

Also,

February 17, 2011

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Bob Dixon to the following commission/council:

State Records Commission
Missouri State Unemployment Council

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

Also,

February 17, 2011

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Jack Goodman to the following committees/commission:

Court Automation Committee
Joint Legislative Committee on Court Automation
Joint Committee on Terrorism, Bioterrorism and Homeland Security
Commission on Judicial Resources

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

Also,

February 17, 2011

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Will Kraus to the following committees/commissions:

Joint Review Committee on Downtown & Rural Economic Stimulus Act
Joint Committee on Government Accountability
Joint Committee on Tax Increment Financing
Joint Committee on Terrorism, Bioterrorism and Homeland Security
Missouri Emergency Response Commission
Missouri Military Preparedness and Enhancement Commission
Missouri Personal Independence Commission

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

Also,

February 17, 2011

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Jim Lembke to the following board/commissions/committees:

Missouri Fire Education Trust Fund Board of Trustees
Missouri Commission on the Delta Regional Authority
Joint Committee on County Salaries
Joint Committee on Government Accountability
Multistate Tax Compact Advisory Committee
Joint Committee on Tax Policy

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

Also,

February 17, 2011

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Brian Munzlinger to the following commissions/committees:

Missouri Alternative Fuels Commission
Missouri Personal Independence Commission
Joint Review Committee on Downtown & Rural Economic Stimulus Act
Joint Committee on the Life Sciences
Joint Committee on Wetlands

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

Also,

February 17, 2011

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Luann Ridgeway to the following councils/committees:

Missouri Women's Council
Missouri Area Health Education Centers Council
Advisory Committee on Lead Poisoning
Joint Committee on MO Healthnet

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

Also,

February 17, 2011

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Rob Schaaf to the following committees/councils/board/commission:

MO Healthnet Oversight Committee
Suicide Prevention Advisory Committee
Governor's Council on Physical Fitness and Health
Missouri Head Injury Advisory Council
Missouri Technology Corporation
Commission on the Special Health, Psychological and Social Needs of Minority Older Individuals

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

Also,

February 28, 2011

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

Pursuant to RSMo 21.553, I am appointment Senator Maria Chappelle-Nadal to the Joint Committee on Public Employee Retirement.

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

Also,

February 28, 2011

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Brad Lager as Vice-Chairman to the Senate Committee on Governmental Accountability. This appointment would

replace Senator Jason Crowell who resigned from the committee.

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Brown introduced to the Senate, John and Loretta Cowling, Cuba; Ronald Young, Leasburg; Jim Freeman, Salem; Jim and Jan Crook, Owensville; and James and Dorothy Koepke, Cuba, representatives of Farm Bureau.

Senator Kehoe introduced to the Senate, Staff Sergeant Matthew Todd, Holts Summit; and his parents, Philip and Donna Todd.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-NINTH DAY—TUESDAY, MARCH 1, 2011

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 321-Kehoe, et al
SB 322-Schaefer
SB 323-Schaefer
SB 324-Kraus and Nieves
SB 325-Wasson
SB 326-Wasson
SB 327-Richard
SB 328-Goodman
SB 329-Nieves
SB 330-Dixon
SB 331-Lamping and Goodman
SB 332-Justus, et al
SB 333-Schaaf
SB 334-Schaaf
SB 335-Schaaf
SB 336-Munzlinger
SB 337-Munzlinger
SB 338-Lager

SB 339-Rupp
SB 340-Wasson
SB 341-Nieves
SB 342-Justus
SB 343-Wright-Jones
SB 344-Wright-Jones
SB 345-Wright-Jones
SB 346-Wright-Jones
SB 347-Wright-Jones
SB 348-Wright-Jones, et al
SB 349-Ridgeway
SB 350-Dixon and Ridgeway
SB 351-Lamping
SB 352-Engler
SB 353-Engler
SB 354-Schaaf
SB 355-Schaaf
SB 356-Munzlinger

SB 357-Munzlinger	SB 372-Cunningham
SB 358-Wasson	SB 373-Dempsey
SB 359-Lager	SB 374-Parson
SB 360-Lager	SB 375-Parson
SB 361-Justus	SB 376-Parson
SB 362-Justus	SB 377-Parson
SB 363-Justus	SB 378-Kehoe
SB 364-Pearce	SB 379-Kehoe
SB 365-Goodman	SB 380-Green
SB 366-Goodman	SB 381-Dixon
SB 367-Nieves and Stouffer	SB 382-Chappelle-Nadal
SB 368-Stouffer	SB 383-Richard
SB 369-Cunningham	SJR 21-Lembke and Chappelle-Nadal
SB 370-Cunningham	SJR 22-Parson
SB 371-Cunningham	

HOUSE BILLS ON SECOND READING

HB 162-Fisher, et al	HB 209-Guernsey, et al
HCS for HB 46	HB 107-Smith (150), et al
HB 71-Nasheed, et al	HCS for HB 205
HB 139-Smith (150), et al	

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 188-Lager, et al, with SCS	SB 55-Brown
SB 243-Cunningham	SB 161-Munzlinger

HOUSE BILLS ON THIRD READING

HCS for HB 163, with SCS (Pearce)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SENATE BILLS FOR PERFECTION

SBs 1 & 206-Ridgeway, with SCS
SBs 7, 5, 74 & 169-Goodman, with SCS
SB 8-Goodman, with SCS & SS for SCS
(pending)
SB 23-Keaveny, with SCS

SB 28-Brown
SB 101-Parson, with SCA 1
SBs 113 & 95-Parson and Engler, with SCS
SB 133-Rupp, with SCS
SB 204-Dempsey, et al

CONSENT CALENDAR

Senate Bills

Reported 2/17

SB 57-Callahan, with SCS
SB 97-Engler

SB 96-Engler

RESOLUTIONS

To be Referred

HCR 3-Scharnhorst, et al

✓

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-NINTH DAY—TUESDAY, MARCH 1, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“We are living in a world that is absolutely transparent, and God is shining through it all the time.” (Thomas Merton)

Gracious God, help us this day to have our spiritual houses in order so that we will constantly see You “shining” through all that is about us and in so doing see that our lives express and are conduits of Your love. May we bring comfort to those around us in need and share the joy of knowing You our God with one another. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Dempsey announced that photographers from Missouri News Horizon were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Rupp offered Senate Resolution No. 400, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Bob Cox, Troy, which was adopted.

Senator Kehoe offered Senate Resolution No. 401, regarding John W. Karsten, Jefferson City, which was adopted.

Senator Dempsey offered Senate Resolution No. 402, regarding John Hesskamp, Saint Charles, which was adopted.

Senator Dempsey offered Senate Resolution No. 403, regarding Robert “Bob” Vancleve, Saint Charles, which was adopted.

Senator Dempsey offered Senate Resolution No. 404, regarding Allen Speckhals, Hermann, which was adopted.

Senator Dempsey offered Senate Resolution No. 405, regarding David “Dave” Killian, Saint Peters, which was adopted.

Senator Dempsey offered Senate Resolution No. 406, regarding Bob Cutright, Wright City, which was adopted.

Senator Munzlinger offered Senate Resolution No. 407, regarding the 2010-2011 Kirksville High School wrestling program, which was adopted.

Senator Pearce offered Senate Resolution No. 408, regarding Janie Scaife, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 409, regarding Edna Ratliff, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 410, regarding Sandra Bouldin, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 411, regarding Clarissa Brown, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 412, regarding Charlotte Phelps, Knob Noster, which was adopted.

Senator Pearce offered Senate Resolution No. 413, regarding Michael Phelps, Knob Noster, which was adopted.

Senator Pearce offered Senate Resolution No. 414, regarding Sonny Phelps, Knob Noster, which was adopted.

Senator Goodman offered Senate Resolution No. 415, regarding Michael Garrett, Monett, which was adopted.

Senator Goodman offered Senate Resolution No. 416, regarding the Community Kitchen, Monett, which was adopted.

Senator Dempsey offered Senate Resolution No. 417, regarding Austin Michael Kneemiller, St. Charles, which was adopted.

Senator Dempsey offered Senate Resolution No. 418, regarding Gary Dillon, Saint Peters, which was adopted.

Senator Dempsey offered Senate Resolution No. 419, regarding Charlie Elmendorf, Saint Charles, which was adopted.

Senator Dempsey offered Senate Resolution No. 420, regarding Ron Snider, Saint Peters, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 384—By Schaefer.

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to pharmacy benefit managers.

SB 385—By Munzlinger.

An Act to repeal section 313.820, RSMo, and to enact in lieu thereof one new section relating to an additional admission fee for excursion gambling boat licensees to fund veterans' commission capital improvements.

SB 386—By Richard.

An Act to repeal sections 301.140 and 301.560, RSMo, and to enact in lieu thereof two new sections relating to the registration of motor vehicles.

SB 387—By Wasson.

An Act to repeal sections 221.105, 544.470, and 557.011, RSMo, and to enact in lieu thereof four new sections relating to electronic monitoring of certain offenders.

SB 388—By Wasson.

An Act to repeal sections 8.650, 8.900, 21.475, 21.780, 26.600, 26.603, 26.605, 26.607, 26.609, 26.611, 26.614, 32.250, 32.260, 105.1006, 105.1010, 105.1012, 162.1000, 162.1060, 166.200, 166.201, 166.203, 166.205, 166.207, 166.209, 166.212, 166.215, 166.218, 166.220, 166.222, 166.225, 166.228, 166.231, 166.233, 166.235, 166.237, 166.240, 166.242, 190.176, 192.350, 192.352, 192.355, 192.735, 192.737, 192.739, 192.742, 192.745, 199.001, 199.003, 199.007, 199.009, 199.010, 199.029, 199.031, 199.037, 199.039, 199.041, 199.043, 199.051, 208.175, 208.195, 208.275, 208.530, 208.533, 208.535, 208.792, 208.955, 210.101, 210.102, 210.496, 260.372, 260.705, 260.720, 260.725, 260.735, 286.001, 286.005, 286.200, 286.205, 286.210, 302.136, 304.028, 320.094, 320.205, 324.600, 324.603, 324.606, 324.609, 324.612, 324.615, 324.618, 324.621, 324.624, 324.627, 324.630, 324.635, 324.1100, 324.1102, 324.1103, 324.1104, 324.1106, 324.1108, 324.1110, 324.1112, 324.1114, 324.1116, 324.1118, 324.1120, 324.1122, 324.1124, 324.1128, 324.1130, 324.1132, 324.1134, 324.1136, 324.1138, 324.1144, 334.721, 344.060, 344.105, 344.108, 361.070, 361.092, 361.093, 361.094, 361.095, 361.096, 361.097, 361.098, 361.105, 362.040, 362.111, 362.325, 369.014, 369.024, 369.144, 369.159, 369.294, 369.299, 369.304, 369.309, 369.314, 369.319, 369.329, 371.060, 371.090, 371.240, 620.638, 620.641, 620.644, 620.647, 620.650, 620.653, 630.900, 630.910, 630.915, 632.020, 660.010, and 701.302, RSMo, section 362.105 as enacted by senate committee substitute for senate bill no. 630, ninety-fifth general assembly, second regular session, and section 362.105 as enacted by senate committee substitute for house committee substitute

for house bill no. 221 merged with house substitute for senate committee substitute for senate bill no. 346, ninety-second general assembly, first regular session, and to enact in lieu thereof one hundred eight new sections relating to repealing and revising certain state boards, councils, committees, and commissions, with existing penalty provisions.

SB 389—By McKenna.

An Act to repeal sections 571.030, 571.101, and 571.107, RSMo, and to enact in lieu thereof four new sections relating to concealed carry endorsements for residents of Missouri, with existing penalty provisions.

SB 390—By Schmitt, Munzlinger and Stouffer.

An Act to amend chapter 135, RSMo, by adding thereto eleven new sections relating to tax incentives to encourage foreign trade.

SB 391—By Lager.

An Act to repeal section 168.128, RSMo, and to enact in lieu thereof two new sections relating to teacher evaluation.

SB 392—By Rupp.

An Act to repeal sections 384.015, 384.017, 384.021, 384.043, 384.051, 384.057, and 384.061, RSMo, and to enact in lieu thereof seven new sections relating to the regulation of surplus lines insurance.

SB 393—By Goodman.

An Act to repeal sections 168.133, 210.025, 210.221, 210.900, 210.903, 210.906, and 210.921, RSMo, and to enact in lieu thereof seven new sections relating to the family care safety registry, with existing penalty provisions.

SB 394—By Goodman and Lamping.

An Act to repeal sections 566.200, 566.203, 566.206, 566.209, 566.212, 566.213, 566.218, and 566.223, RSMo, and to enact in lieu thereof eight new sections relating to human trafficking, with penalty provisions.

SB 395—By Goodman.

An Act to repeal sections 374.702, 374.705, 374.710, 374.715, 374.720, 374.730, 374.740, 374.755, 374.757, 374.760, 374.763, 374.770, 374.783, and 374.784, RSMo, and to enact in lieu thereof fifteen new sections relating to bail bond regulations, with existing penalty provisions.

SB 396—By Wright-Jones.

An Act to amend chapter 191, RSMo, by adding thereto two new sections relating to the compassionate assistance for rape emergencies act.

SB 397—By Cunningham.

An Act to amend chapter 320, RSMo, by adding thereto nine new sections relating to fire sprinkler contractor regulation.

SB 398—By Kraus.

An Act to repeal section 115.117, RSMo, and to enact in lieu thereof one new section relating to polling

places.

SB 399—By Kraus.

An Act to repeal section 578.150, RSMo, and to enact in lieu thereof one new section relating to the crime of stealing leased or rented property, with penalty provisions.

SB 400—By Kraus.

An Act to repeal section 566.086, RSMo, and to enact in lieu thereof one new section relating to the crime of sexual contact with a student, with existing penalty provisions.

SB 401—By Lamping.

An Act to repeal sections 425.010, 425.020, 425.025, 425.027, and 425.040, RSMo, and to enact in lieu thereof six new sections relating to debt adjusters, with existing penalty provisions.

SB 402—By Kehoe.

An Act to repeal sections 136.055, 301.032, 301.130, 301.140, 301.160, 301.290, 301.300, 301.301, and 301.302, RSMo, and to enact in lieu thereof nine new sections relating to motor vehicle windshield stickers, with an effective date.

SB 403—By Nieves.

An Act to repeal sections 621.250, 643.130, and 644.071, RSMo, and to enact in lieu thereof three new sections relating to appeals of decisions by environmental commissions.

SB 404—By Ridgeway.

An Act to repeal section 104.335, RSMo, and to enact in lieu thereof two new sections relating to an election to pay the present value of a deferred annuity.

SB 405—By Ridgeway.

An Act to repeal sections 208.909, 210.900, 210.903, 210.906, 210.909, 210.915, 210.921, 210.927, 210.933, and 660.317, RSMo, and to enact in lieu thereof eleven new sections relating to background screening for long-term care providers, with exiting penalty provisions and an effective date.

SB 406—By Crowell and Mayer.

An Act to repeal sections 386.370, 393.135, and 620.010, RSMo, and to enact in lieu thereof five new sections relating to utilities, with an emergency clause.

SB 407—By Crowell.

An Act to repeal sections 100.286, 135.010, 135.020, 135.025, 135.030, 135.352, 208.798, and 253.559, RSMo, and to enact in lieu thereof eight new sections relating to the provision of sufficient funding to continue the MO RX prescription drug program, with an emergency clause.

SB 408—By Crowell.

An Act to repeal section 208.798, RSMo, and to enact in lieu thereof one new section relating to the extension of MO RX prescription drug plan.

SB 409—By Crowell.

An Act to repeal section 163.031, RSMo, and to enact in lieu thereof one new section relating to state

funding for transportation of elementary and secondary pupils.

SB 410—By Crowell.

An Act to amend chapter 104, RSMo, by adding thereto one new section relating to reciprocal service transfers between the Missouri department of transportation and highway patrol employees' retirement system and the Missouri state employees' retirement system.

SB 411—By Crowell.

An Act to repeal sections 99.975, 100.286, and 100.297, RSMo, and to enact in lieu thereof four new sections relating to the Missouri Development Finance Board, with an emergency clause for certain sections.

SB 412—By Crowell.

An Act to repeal sections 104.190 and 104.480, RSMo, and to enact in lieu thereof two new sections relating to retirement.

SB 413—By Crowell.

An Act to repeal section 169.020, RSMo, and to enact in lieu thereof one new section relating to retirement.

SB 414—By Crowell.

An Act to repeal sections 56.809 and 70.605, RSMo, and to enact in lieu thereof three new sections relating to retirement.

SB 415—By Crowell.

An Act to repeal section 571.070, RSMo, and to enact in lieu thereof one new section relating to the crime of unlawful possession of a firearm, with penalty provisions.

SB 416—By Crowell.

An Act to repeal section 571.030, RSMo, and to enact in lieu thereof one new section relating to exemptions from certain provisions of the crime of unlawful use of weapons for United States attorneys, with existing penalty provisions.

SB 417—By Crowell.

An Act to repeal section 287.220, RSMo, and to enact in lieu thereof one new section relating to the second injury fund, with an emergency clause.

**SECOND READING OF
CONCURRENT RESOLUTIONS**

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

HCR 3—Rules, Joint Rules, Resolutions and Ethics.

HOUSE BILLS ON THIRD READING

HCS for **HB 163**, with **SCS**, entitled:

An Act to repeal sections 288.062, and 288.330, RSMo, and to enact in lieu thereof two new sections relating to unemployment compensation, with an emergency clause.

Was taken up by Senator Pearce.

SCS for **HCS** for **HB 163**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 163

An Act to repeal sections 288.040, 288.062, 288.330, and 288.398, RSMo, and to enact in lieu thereof four new sections relating to unemployment compensation, with an emergency clause.

Was taken up.

Senator Pearce moved that **SCS** for **HCS** for **HB 163** be adopted.

Senator Pearce offered **SS** for **SCS** for **HCS** for **HB 163**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 163

An Act to repeal sections 288.040, 288.062, and 288.398, RSMo, and to enact in lieu thereof three new sections relating to unemployment compensation, with an emergency clause.

Senator Pearce moved that **SS** for **SCS** for **HCS** for **HB 163** be adopted.

Senator Ridgeway assumed the Chair.

Senator Lembke offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 163, Page 25, Section B, Lines 9-15, by striking all of said section from the bill; and

Further amend the title accordingly.

Senator Lembke moved that the above amendment be adopted.

At the request of Senator Pearce, **HCS** for **HB 163**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

SENATE BILLS FOR PERFECTION

Senator Parson moved that **SB 101**, with **SCA 1**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Parson moved that the above committee amendment be adopted, which motion prevailed.

On motion of Senator Parson, **SB 101**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 28, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Diane Scanga as a member of the Peace Officer Standards and Training Commission, submitted to you on January 26, 2011. Line 1 should be amended to read:

Diane Scanga, 762 Camelot Estates Drive, Hillsboro, Jefferson County, Missouri 63050,

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 28, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Edna Chavis as a member of the Missouri Quality Home Care Council, submitted to you on February 16, 2011. Line 2 should be amended to read:

member of the Missouri Quality Home Care Council, for a term ending October 1, 2015,

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 28, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of James Dronberger as a member of the Advisory Commission for Physical Therapists, submitted to you on February 16, 2011. Line 2 should be amended to read:

a member of the Advisory Commission for Physical Therapists, for a term ending October

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Mayer referred the above addendums to the Committee on Gubernatorial Appointments.

REPORTS OF STANDING COMMITTEES

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 38**; **SB 77**; **SB 83**; **SCS for SB 166**; and **SB 180**, begs leave to report that it has examined the same and

finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

On motion of Senator Dempsey, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Pearce.

RESOLUTIONS

Senator Rupp offered Senate Resolution No. 421, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ray Schroeder, Lake Saint Louis, which was adopted.

Senator Green offered Senate Resolution No. 422, regarding Greg Bernal, Florissant, which was adopted.

Senator Lembke offered Senate Resolution No. 423, regarding the American Nurses Association, which was adopted.

Senator Pearce offered Senate Resolution No. 424, regarding Eric Czerniewski, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 418—By Chappelle-Nadal and Lamping.

An Act to repeal sections 115.225 and 115.237, RSMo, and to enact in lieu thereof two new sections relating to voting methods.

SB 419—By Kraus.

An Act to repeal section 84.830, RSMo, and to enact in lieu thereof one new section relating to the Kansas City police department, with existing penalty provisions.

SB 420—By Mayer.

An Act to repeal sections 287.141, 287.150, 287.210, 287.220, 287.266, 287.280, 287.310, 287.430, 287.710, 287.713, and 287.715, RSMo, and to enact in lieu thereof eight new sections relating to the second injury fund.

SB 421—By Pearce.

An Act to repeal sections 115.350 and 561.021, RSMo, and to enact in lieu thereof one new section relating to felons holding public office.

SB 422—By Lager.

An Act to repeal sections 393.1030 and 393.1045, RSMo, and to enact in lieu thereof two new sections relating to the renewable energy standard.

SB 423—By Lager.

An Act to repeal sections 621.250, 640.013, 640.100, 644.051, 644.054, and 701.033, RSMo, and to enact in lieu thereof fourteen new sections relating to natural resources.

SB 424—By Cunningham.

An Act to amend chapter 28, RSMo, by adding thereto one new section relating to the secretary of state.

SB 425—By Goodman.

An Act to repeal section 570.080, RSMo, and to enact in lieu thereof one new section relating to offenses in which the value of property or services is an element of the crime, with penalty provisions.

SB 426—By Lamping.

An Act to repeal section 535.300, RSMo, and to enact in lieu thereof one new section relating to security deposits.

SB 427—By Lamping.

An Act to repeal sections 67.1545, 144.011, 144.012, 144.014, 144.030, 144.034, 144.037, 144.038, 144.039, 144.043, 144.044, 144.045, 144.046, 144.054, 144.057, 144.063, 144.155, 144.157, 144.440, 144.450, 144.455, 144.518, 144.600, 144.605, 144.610, 144.613, 144.615, 144.617, 144.620, 144.625, 144.630, 144.635, 144.640, 144.645, 144.650, 144.655, 144.660, 144.665, 144.670, 144.675, 144.690, 144.695, 144.696, 144.700, 144.701, 144.705, 144.710, 144.715, 144.720, 144.725, 144.730, 144.735, 144.740, 144.745, 144.757, 144.759, and 144.761, RSMo, and to enact in lieu thereof nineteen new sections relating to the repeal of the compensating use tax.

SENATE BILLS FOR PERFECTION

At the request of Senator Lager, **SB 188**, with **SCS**, was placed on the Informal Calendar.

Senator Cunningham moved that **SB 243** be taken up for perfection, which motion prevailed.

Senator Chappelle-Nadal offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 243, Page 4, Section 177.250, Line 8, by striking the word “shall” and inserting in lieu thereof the following: “**may**”.

Senator Chappelle-Nadal moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Cunningham, **SB 243** was placed on the Informal Calendar.

Senator Lager moved that **SB 188**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 188**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 188

An Act to repeal sections 213.010, 213.070, 213.101, and 213.111, RSMo, and to enact in lieu thereof five new sections relating to unlawful discriminatory practices.

Was taken up.

Senator Lager moved that **SCS** for **SB 188** be adopted.

Senator Lager offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 188, Page 5, Section 213.070, Line 18, by inserting immediately after the word “subdivisions”, the following: “**and shall not provide a basis for any individual liability**”; and

Further amend said bill, page 6, section 213.101, line 29, by inserting immediately after the word “progeny”, the following: “**including the 1991 Amendments to Title VII of the Civil Rights Act,**”.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Stouffer assumed the Chair.

Senator Keaveny offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 188, Page 7, Section 213.111, Lines 36-56, by striking all of said lines; and

Further amend said bill and section, Page 8, Lines 57 to 60, by striking all of said lines; and further amend lines 65 to 67, by striking all of said lines; and

Further amend said bill, Page 9, Section 1, Lines 35 to 57, by striking all of said lines.

Senator Keaveny moved that the above amendment be adopted, which motion failed.

Senator Callahan offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 188, Page 7, Section 213.111, Line 41 by striking said line and inserting in lieu thereof the following “**(1) Actual back pay, interest on back pay, other equitable relief, and other damages up to the limits in subdivision (2) of this subsection; and**”.

And further amend page 9, section 1, Line 42 by striking said line and inserting in lieu thereof the following “**(1) Actual back pay, interest on back pay, other equitable relief, and other damages up to the limits in subdivision (2) of this subsection; and**”.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Justus offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 188, Page 6, Section 213.101, Lines 42-43, by deleting all of said lines and inserting in lieu thereof the following:

“Waterhouse v. Hopkins, 490 U.S. 228, 258 (1989).”.

Senator Justus moved that the above amendment be adopted.

At the request of Senator Lager, **SB 188**, with **SCS** and **SA 4** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted

the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 101**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 428—By Ridgeway.

An Act to amend chapter 632, RSMo, by adding thereto one new section relating to reimbursement for the transport of persons to and from mental health facilities.

SB 429—By Ridgeway.

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to nurse staffing levels in health care facilities.

SB 430—By Mayer.

An Act to repeal sections 287.120, 287.140, 287.143, 287.149, 287.210, 287.220, 287.690, and 287.715, RSMo, and to enact in lieu thereof nine new sections relating to workers' compensation, with an emergency clause.

SB 431—By Munzlinger.

An Act to amend chapter 407, RSMo, by adding thereto three new sections relating to direct mail marketing, with penalty provisions and an effective date.

SB 432—By Munzlinger.

An Act to amend chapter 34, RSMo, by adding thereto three new sections relating to transparency in state purchases.

SB 433—By Kraus.

An Act to amend chapter 443, RSMo, by adding thereto one new section relating to deeds of trust.

COMMUNICATIONS

President Pro Tem Mayer submitted the following:

March 1, 2011

Senator Jim Lembke
Chairman, Governmental Accountability Committee
Room 419, State Capitol
Jefferson City, MO 65101

Dear Chairman Lembke:

On February 21, I sent you a letter requesting that your Committee on Governmental Accountability investigate the privatization of the Missouri Lottery and the potential cost savings of doing so.

In my letter I asked you to review the services of GTECH Corporation. I would like to extend my earlier request so that any corporation that

provides online or instant ticket printing, services, and systems for lotteries receive an invitation to appear before the committee and present information on their services.

Please let me know if I can be of additional help.

Sincerely,

/s/ Robert N. Mayer

Robert N. Mayer

District 25 Senator

Also,

February 23, 2011

Ms. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Jolie Justus to the Joint Committee on Administrative Rules.

Please feel free to contact me should you have any questions.

Sincerely,

/s/ Robert N. Mayer

Robert N. Mayer

President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Schaefer introduced to the Senate, Kelly and Angie Gatts and their children, Haley and Tabitha, and Jeff DeShon, Homeschoolers from Moberly.

Senator Schaefer introduced to the Senate, Associated Students of the University of Missouri.

Senator Engler introduced to the Senate, Advisors Debbie Lee and Keith Mitchell and Jason Underwood, Hannah Craft, Aimee Gigax, Christina Wood, Melissa DeSerio, Lee Wilson and Chelsea Wiles, students from Mineral Area College.

Senator Justus introduced to the Senate, Senator-elect Shalonn “KiKi” Curls, Kansas City.

Senator Nieves introduced to the Senate, teachers Erin Gaebe, Kristen Beineke, Penny Heisel and Rita Nikonowicz and students Savannah Christain, Brent Crismon, Rodolfo Flores and Kate Garza Washington.

Senator Kehoe introduced to the Senate, Recorder of Deeds Christine Kleindienst and Ken Dillon, Callaway County.

Senator Rupp introduced to the Senate, Recorder of Deeds Dottie Crenshaw, Lincoln County.

Senator Rupp introduced to the Senate, the Physician of the Day, Dr. Rick Bowen, M.D., St. Louis.

Senator Mayer introduced to the Senate, Jason Comfort, Wes Howard and Ed Gargas, Dexter.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTIETH DAY—WEDNESDAY, MARCH 2, 2011

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 321-Kehoe, et al	SB 352-Engler
SB 322-Schaefer	SB 353-Engler
SB 323-Schaefer	SB 354-Schaaf
SB 324-Kraus and Nieves	SB 355-Schaaf
SB 325-Wasson	SB 356-Munzlinger
SB 326-Wasson	SB 357-Munzlinger
SB 327-Richard	SB 358-Wasson
SB 328-Goodman	SB 359-Lager
SB 329-Nieves	SB 360-Lager
SB 330-Dixon	SB 361-Justus
SB 331-Lamping and Goodman	SB 362-Justus
SB 332-Justus, et al	SB 363-Justus
SB 333-Schaaf	SB 364-Pearce
SB 334-Schaaf	SB 365-Goodman
SB 335-Schaaf	SB 366-Goodman
SB 336-Munzlinger	SB 367-Nieves and Stouffer
SB 337-Munzlinger	SB 368-Stouffer
SB 338-Lager	SB 369-Cunningham
SB 339-Rupp	SB 370-Cunningham
SB 340-Wasson	SB 371-Cunningham
SB 341-Nieves	SB 372-Cunningham
SB 342-Justus	SB 373-Dempsey
SB 343-Wright-Jones	SB 374-Parson
SB 344-Wright-Jones	SB 375-Parson
SB 345-Wright-Jones	SB 376-Parson
SB 346-Wright-Jones	SB 377-Parson
SB 347-Wright-Jones	SB 378-Kehoe
SB 348-Wright-Jones, et al	SB 379-Kehoe
SB 349-Ridgeway	SB 380-Green
SB 350-Dixon and Ridgeway	SB 381-Dixon
SB 351-Lamping	SB 382-Chappelle-Nadal

SB 383-Richard	SB 410-Crowell
SB 384-Schaefer	SB 411-Crowell
SB 385-Munzlinger	SB 412-Crowell
SB 386-Richard	SB 413-Crowell
SB 387-Wasson	SB 414-Crowell
SB 388-Wasson	SB 415-Crowell
SB 389-McKenna	SB 416-Crowell
SB 390-Schmitt, et al	SB 417-Crowell
SB 391-Lager	SB 418-Chappelle-Nadal and Lamping
SB 392-Rupp	SB 419-Kraus
SB 393-Goodman	SB 420-Mayer
SB 394-Goodman and Lamping	SB 421-Pearce
SB 395-Goodman	SB 422-Lager
SB 396-Wright-Jones	SB 423-Lager
SB 397-Cunningham	SB 424-Cunningham
SB 398-Kraus	SB 425-Goodman
SB 399-Kraus	SB 426-Lamping
SB 400-Kraus	SB 427-Lamping
SB 401-Lamping	SB 428-Ridgeway
SB 402-Kehoe	SB 429-Ridgeway
SB 403-Nieves	SB 430-Mayer
SB 404-Ridgeway	SB 431-Munzlinger
SB 405-Ridgeway	SB 432-Munzlinger
SB 406-Crowell and Mayer	SB 433-Kraus
SB 407-Crowell	SJR 21-Lembke and Chappelle-Nadal
SB 408-Crowell	SJR 22-Parson
SB 409-Crowell	

HOUSE BILLS ON SECOND READING

HB 162-Fisher, et al	HB 209-Guernsey, et al
HCS for HB 46	HB 107-Smith (150), et al
HB 71-Nasheed, et al	HCS for HB 205
HB 139-Smith (150), et al	

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna (In Fiscal Oversight)	SB 38-Wright-Jones SB 77-Stouffer
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SB 83-Pearce
SCS for SB 166-Goodman

SB 180-Kraus and Justus
SB 101-Parson

SENATE BILLS FOR PERFECTION

SB 55-Brown

SB 161-Munzlinger

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SENATE BILLS FOR PERFECTION

SBs 1 & 206-Ridgeway, with SCS
SBs 7, 5, 74 & 169-Goodman, with SCS
SB 8-Goodman, with SCS & SS for SCS
(pending)
SB 23-Keaveny, with SCS
SB 28-Brown

SBs 113 & 95-Parson and Engler, with SCS
SB 133-Rupp, with SCS
SB 188-Lager, et al, with SCS & SA 4
(pending)
SB 204-Dempsey, et al
SB 243-Cunningham

HOUSE BILLS ON THIRD READING

HCS for HB 163, with SCS, SS for SCS &
SA 1 (pending) (Pearce)

CONSENT CALENDAR

Senate Bills

Reported 2/17

SB 57-Callahan, with SCS
SB 97-Engler

SB 96-Engler

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Journal of the Senate

FIRST REGULAR SESSION

THIRTIETH DAY—WEDNESDAY, MARCH 2, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“You know the value of prayer: it is precious beyond all price. Never, never neglect it.” (Sir Thomas Buxton)

We began this morning in prayer, O God, and ask that we each live our prayers before You so that all we say and do are reflections of what You are to us. Give us patience with one another and the rough and tumble of life so we may realize that life’s difficulties help smooth our rough places and we become all You created us to be. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Dempsey announced that photographers from the University of Central Missouri were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Kraus offered Senate Resolution No. 425, regarding the 2010-2011 Class 2 State Champion Oak Grove High School Wrestling Team, which was adopted.

Senator Dempsey offered Senate Resolution No. 426, regarding the Ninetieth Birthday of Sister Madelene Reiners, CPPS, O'Fallon, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Lager moved that **SB 188**, with **SCS** and **SA 4** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Schmitt assumed the Chair.

SA 4 was again taken up.

At the request of Senator Lager, **SB 188**, with **SCS** and **SA 4** (pending), was placed on the Informal Calendar.

Senator Cunningham moved that **SB 243**, as amended, be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Chappelle-Nadal offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 243, Page 5, Section 177.250, Lines 37-38, by striking all of said lines and inserting in lieu thereof the following:

“6. Nothing in this section shall be construed to prohibit any of the entities identified in this section from entering into any cooperative agreement as described in this section or to prohibit any entity identified in this section from altering any current agreement it may have with another entity described in this section without agreement from all the parties to the agreement or expiration of the contract that is in force upon the effective date of this section.”.

Senator Chappelle-Nadal moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Cunningham, **SB 243**, as amended, was declared perfected and ordered printed.

Senator Rupp moved that **SB 133**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 133**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 133**

An Act to repeal section 227.107, RSMo, and to enact in lieu thereof one new section relating to highway design-build project contracts.

Was taken up.

Senator Rupp moved that **SCS** for **SB 133** be adopted, which motion prevailed.

On motion of Senator Rupp, **SCS** for **SB 133** was declared perfected and ordered printed.

THIRD READING OF SENATE BILLS

SB 38, introduced by Senator Wright-Jones, entitled:

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the prostate cancer pilot program.

Was taken up.

On motion of Senator Wright-Jones, **SB 38** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senator Purgason—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Wright-Jones, title to the bill was agreed to.

Senator Wright-Jones moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SB 77, introduced by Senator Stouffer, entitled:

An Act to repeal section 226.520, RSMo, and to enact in lieu thereof one new section relating to directional signs.

Was taken up.

On motion of Senator Stouffer, **SB 77** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson
Wright-Jones—33							

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SB 83, introduced by Senator Pearce, entitled:

An Act to repeal sections 408.140, 408.233, and 408.300, RSMo, and to enact in lieu thereof four new sections relating to the sale of deficiency waiver addendums and other similar products in certain loan transactions.

Was taken up.

On motion of Senator Pearce, **SB 83** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Purgason—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SCS for **SB 166**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 166

An Act to repeal section 381.115, RSMo, and to enact in lieu thereof one new section relating to the licensure of title agencies and title agents.

Was taken up by Senator Goodman.

On motion of Senator Goodman, **SCS** for **SB 166** was read the 3rd time and passed by the following

vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Engler	Goodman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	Lembke	Mayer
McKenna	Munzlinger	Nieves	Parson	Pearce	Richard	Ridgeway	Rupp
Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—30		

NAYS—Senators

Crowell Green—2

Absent—Senator Purgason—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SB 180, introduced by Senators Kraus and Justus, entitled:

An Act to amend chapter 9, RSMo, by adding thereto two new sections relating to bicycling state holidays.

Was taken up by Senator Kraus.

On motion of Senator Kraus, **SB 180** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Dempsey	Dixon	Goodman	Justus	Keaveny
Kehoe	Kraus	Lager	Lamping	Lembke	Mayer	McKenna	Munzlinger
Nieves	Parson	Pearce	Richard	Rupp	Schaaf	Schmitt	Wasson
Wright-Jones—25							

NAYS—Senators

Crowell	Cunningham	Engler	Green	Ridgeway	Schaefer	Stouffer—7
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Absent—Senator Purgason—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Kraus, title to the bill was agreed to.

Senator Kraus moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SB 101, introduced by Senator Parson, entitled:

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to home exterior contractors, with penalty provisions.

Was taken up.

On motion of Senator Parson, **SB 101** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Richard
Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senators

Purgason Ridgeway—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Parson, title to the bill was agreed to.

Senator Parson moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Pearce moved that **HCS** for **HB 163**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 1 was again taken up.

Senator Lembke moved that the above amendment be adopted.

At the request of Senator Pearce, **HCS** for **HB 163**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

On motion of Senator Dempsey, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Stouffer.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 427, regarding Delta Companies, Incorporated/Delta Concrete, Cape Girardeau, which was adopted.

Senators Pearce and Kehoe offered Senate Resolution No. 428, regarding Betty Jo Schubert, Jefferson City, which was adopted.

Senator Crowell offered Senate Resolution No. 429, regarding Joyce M. Statler, Patton, which was adopted.

Senator Crowell offered Senate Resolution No. 430, regarding Nan Beussink, which was adopted.

Senator Goodman offered Senate Resolution No. 431, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Orville Mitchell, Hollister, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 432, regarding Victoria Kaufman, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 433, regarding Katherine Marguerite Fleissner, Chesterfield, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 434, regarding Julia Marie Eagan, Union, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 435, regarding Amanda Cooley, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 436, regarding Sarah Elizabeth Broom, Wildwood, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 437, regarding Amanda Marie Bright, Maryland Heights, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 438, regarding Rachel Ann Breece, Festus, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 439, regarding Malinka Lauran Berlin, Bowling Green, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 440, regarding Theresa Mary Baker, St. Peters, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 441, regarding Caroline Elisabeth Ayers, Ballwin, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 442, regarding Makayla Breann Lantos, Maryland Heights, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 443, regarding Maria Therese Lawless, Florissant, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 444, regarding Sarah Louise McAlevey, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 445, regarding Kelly Virginia McCann, St. Louis,

which was adopted.

Senator Wright-Jones offered Senate Resolution No. 446, regarding Jennifer Rose Mueller, Ste. Genevieve, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 447, regarding Katlyn Diana Sansone, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 448, regarding Andrea Jean Shaw, Bowling Green, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 449, regarding Ann Carolyn Shipley, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 450, regarding Allison Elizabeth Smith, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 451, regarding Carol Evelyn St. Amour, Chesterfield, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 452, regarding Christina Lynn Stewart, Troy, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 453, regarding Megan Marie Thebeau, Cadet, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 454, regarding Katelyn Leigh Weibrecht, Imperial, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 455, regarding Allison Ann Werkmeister, Ballwin, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 456, regarding Chelsey Bridgette Roberts, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 457, regarding the death of Beverly J. “Bev” Buchheit, St. Louis, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Lager moved that **SB 188**, with **SCS** and **SA 4** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 4 was again taken up.

At the request of Senator Justus, the above amendment was withdrawn.

Senator Justus offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 188, Page 5, Section 213.101, Line 11, by inserting immediately after “2.” the following: “**Except as provided in subsection 3 of section 213.111, relating to the presentation of evidence to a jury,**”; and

Further amend said bill, page 7, section 213.111, line 35, by inserting at the end of said line the

following: **“If such trial occurs in the circuit courts of the state of Missouri, the Missouri common law relating to the presentation of evidence to a jury shall apply at trial, whether before a judge or jury.”**

Senator Justus moved that the above amendment be adopted, which motion prevailed.

Senator Keaveny offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bill No. 188, Page 7, Section 213.111, Line 55, by inserting immediately after said line, the following:

“5. The limits set forth in subsection 4 of this section shall increase or decrease in the same amounts as any corresponding limits are increased or decreased in section 42 U.S.C. 1981a(b)(3).”; and further renumber the remaining subsections accordingly; and

Further amend said bill, page 9, section 1, line 57 by inserting immediately after said line, the following:

“8. The limits set forth in subsection 7 of this section shall increase or decrease in the same amounts as any corresponding limits are increased or decreased in section 42 U.S.C. 1981a(b)(3).”.

Senator Keaveny moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for Senate Bill No. 188, Page 8, Section 213.111, Lines 65-67, by striking all of said lines from the bill.

Senator Ridgeway moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Lamping offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for Senate Bill No. 188, Page 9, Section 1, Line 57, by inserting after all of said line the following:

“Section B. Any provision of sections 213.010, 213.070, 213.101, and 213.111 as enacted by this act that cause the denial of federal funding for noncompliance as federal law is established upon the enactment of this act, shall terminate immediately after the adjournment of two full regular legislative sessions after notification to the Revisor of Statutes by the Missouri Commission on Human Rights that the state has been denied federal funding for noncompliance resulting from the enactment of such provision. The Missouri Commission on Human Rights shall notify the Revisor of Statutes when the state is denied federal funding for noncompliance resulting from the enactment of such provision.”; and

Further amend the title accordingly.

Senator Lamping moved that the above amendment be adopted, which motion failed.

Senator Ridgeway offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for Senate Bill No. 188, Page 8, Section 1, Lines 9-11, by striking all of said lines and inserting in lieu thereof the following:

“(3) “Protected person”, any person who has reported to the proper authorities, a good faith reasonable belief based upon facts then available to the protected person at the time of report that the act is an unlawful act of the employer or serious misconduct of the employer or its agent that”.

Senator Ridgeway moved that the above amendment be adopted, which motion failed.

Senator Lager moved that **SCS** for **SB 188**, as amended, be adopted, which motion prevailed.

On motion of Senator Lager, **SCS** for **SB 188**, as amended, was declared perfected and ordered printed.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HB 162—Judiciary and Civil and Criminal Jurisprudence.

SENATE BILLS FOR PERFECTION

Senator Goodman moved that **SB 8**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Goodman, **SS** for **SCS** for **SB 8**, as amended, was withdrawn.

Senator Goodman offered **SS No. 2** for **SCS** for **SB 8**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 8

An Act to repeal section 287.120, RSMo, and to enact in lieu thereof one new section relating to workers' compensation.

Senator Goodman moved that **SS No. 2** for **SCS** for **SB 8** be adopted.

Senator Crowell raised the point of order that **SS No. 2** for **SCS** for **SB 8** and **SCS** for **SB 8** are out of order as both bills go beyond the original subject matter contained in the underlying bill.

The point of order was referred to the President Pro Tem who rules it not well taken.

Senator Pearce assumed the Chair.

SS No. 2 for **SCS** for **SB 8** was again taken up.

Senator Nieves assumed the Chair.

Senator Pearce assumed the Chair.

At the request of Senator Goodman, **SB 8**, with **SCS** and **SS No. 2** for **SCS** (pending), was placed on

the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS for SB 188; SB 243; and SCS for SB 133**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

INTRODUCTIONS OF GUESTS

Senator Schaaf introduced to the Senate, his wife, Debbie, St. Joseph.

Senator Brown introduced to the Senate, Kim Werman, Chantae Alfred, Amanda Schaefer, Tania Lambert, Aimee Campbell, Karen Richards, Letha Young, Patsy Watts and Tina Pridgeon, representatives of Leadership Phelps County.

Senator Cunningham introduced to the Senate, Eileen Tyrell and her daughter, Haley, Eureka; and Maddie Seiler, Wildwood; and Haley and Maddie were made honorary pages.

Senator Lamping introduced to the Senate, Kristen Piontek, St. Louis.

Senator Pearce introduced to the Senate, Head Football Coach Jim Svoboda, Assistant Athletic Director Shawn Jones and Harlon Hill Award Winner Quarterback Eric Czerniewski, University of Central Missouri; and Kaye and Tom Benney, Montgomery City.

Senator Green introduced to the Senate, representatives of the American Red Cross, Missouri Chapter.

Senator Dixon introduced to the Senate, the Physician of the Day, Dr. Norm Knowlton, M.D., Springfield.

Senator Brown introduced to the Senate, his wife, Kathy, Rolla.

Senator Crowell introduced to the Senate, ninth grade students from St. Vincent DePaul School, Perryville.

On behalf of Senator Schmitt, the President introduced to the Senate, Dr. Robert and Jane Furey, Webster Groves.

Senator Pearce introduced to the Senate, students from Harrisonville Elementary Schools.

Senator Wright-Jones introduced to the Senate, Marvin Blake, Andrew Cleveland and James Coburn, St. Louis.

Senator Pearce introduced to the Senate, Teen Pact Students Emily Matthews, Belton; Kimberlee Bryson, Nevada; Maddie Wheeler, Warrensburg; Celeste Miauk, Higginsville; Brooks Farman, Peculiar; and Bret Roof, Adrian.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-FIRST DAY—THURSDAY, MARCH 3, 2011

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 321-Kehoe, et al	SB 355-Schaaf
SB 322-Schaefer	SB 356-Munzlinger
SB 323-Schaefer	SB 357-Munzlinger
SB 324-Kraus and Nieves	SB 358-Wasson
SB 325-Wasson	SB 359-Lager
SB 326-Wasson	SB 360-Lager
SB 327-Richard	SB 361-Justus
SB 328-Goodman	SB 362-Justus
SB 329-Nieves	SB 363-Justus
SB 330-Dixon	SB 364-Pearce
SB 331-Lamping and Goodman	SB 365-Goodman
SB 332-Justus, et al	SB 366-Goodman
SB 333-Schaaf	SB 367-Nieves and Stouffer
SB 334-Schaaf	SB 368-Stouffer
SB 335-Schaaf	SB 369-Cunningham
SB 336-Munzlinger	SB 370-Cunningham
SB 337-Munzlinger	SB 371-Cunningham
SB 338-Lager	SB 372-Cunningham
SB 339-Rupp	SB 373-Dempsey
SB 340-Wasson	SB 374-Parson
SB 341-Nieves	SB 375-Parson
SB 342-Justus	SB 376-Parson
SB 343-Wright-Jones	SB 377-Parson
SB 344-Wright-Jones	SB 378-Kehoe
SB 345-Wright-Jones	SB 379-Kehoe
SB 346-Wright-Jones	SB 380-Green
SB 347-Wright-Jones	SB 381-Dixon
SB 348-Wright-Jones, et al	SB 382-Chappelle-Nadal
SB 349-Ridgeway	SB 383-Richard
SB 350-Dixon and Ridgeway	SB 384-Schaefer
SB 351-Lamping	SB 385-Munzlinger
SB 352-Engler	SB 386-Richard
SB 353-Engler	SB 387-Wasson
SB 354-Schaaf	SB 388-Wasson

SB 389-McKenna	SB 413-Crowell
SB 390-Schmitt, et al	SB 414-Crowell
SB 391-Lager	SB 415-Crowell
SB 392-Rupp	SB 416-Crowell
SB 393-Goodman	SB 417-Crowell
SB 394-Goodman and Lamping	SB 418-Chappelle-Nadal and Lamping
SB 395-Goodman	SB 419-Kraus
SB 396-Wright-Jones	SB 420-Mayer
SB 397-Cunningham	SB 421-Pearce
SB 398-Kraus	SB 422-Lager
SB 399-Kraus	SB 423-Lager
SB 400-Kraus	SB 424-Cunningham
SB 401-Lamping	SB 425-Goodman
SB 402-Kehoe	SB 426-Lamping
SB 403-Nieves	SB 427-Lamping
SB 404-Ridgeway	SB 428-Ridgeway
SB 405-Ridgeway	SB 429-Ridgeway
SB 406-Crowell and Mayer	SB 430-Mayer
SB 407-Crowell	SB 431-Munzlinger
SB 408-Crowell	SB 432-Munzlinger
SB 409-Crowell	SB 433-Kraus
SB 410-Crowell	SJR 21-Lembke and Chappelle-Nadal
SB 411-Crowell	SJR 22-Parson
SB 412-Crowell	

HOUSE BILLS ON SECOND READING

HCS for HB 46	HB 209-Guernsey, et al
HB 71-Nasheed, et al	HB 107-Smith (150), et al
HB 139-Smith (150), et al	HCS for HB 205

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna (In Fiscal Oversight)	SB 243-Cunningham
SCS for SB 188-Lager, et al	SCS for SB 133-Rupp

SENATE BILLS FOR PERFECTION

SB 55-Brown	SB 161-Munzlinger
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INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SENATE BILLS FOR PERFECTION

SBs 1 & 206-Ridgeway, with SCS

SBs 7, 5, 74 & 169-Goodman, with SCS

SB 8-Goodman, with SCS & SS#2 for SCS
(pending)

SB 23-Keaveny, with SCS

SB 28-Brown

SBs 113 & 95-Parson and Engler, with SCS

SB 204-Dempsey, et al

HOUSE BILLS ON THIRD READING

HCS for HB 163, with SCS, SS for SCS & SA 1

(pending) (Pearce)

CONSENT CALENDAR

Senate Bills

Reported 2/17

SB 57-Callahan, with SCS

SB 97-Engler

SB 96-Engler

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Journal of the Senate

FIRST REGULAR SESSION

THIRTY-FIRST DAY—THURSDAY, MARCH 3, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“And I said, Oh, that I had wings like a dove! For then would I fly away and be at rest.” (Psalm 55:6)

O Lord our God, amid all the demands and growing pressures on us it is good to return to our homes yet even there we have obligations and responsibilities that need our attention and it would be nice to “fly away” from everything. But You have promised to be with us and help us “stay the course”. Whatever we do let us do it as unto You and help us find rest and joy in doing so. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Dempsey announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Munzlinger offered Senate Resolution No. 458, regarding Corrections Officer Michael T. Davis, Vandalia, which was adopted.

Senator Munzlinger offered Senate Resolution No. 459, regarding Corrections Supervisor Stacy Wood, Frankford, which was adopted.

Senator Rupp offered Senate Resolution No. 460, regarding the Seventieth Birthday of David L. Schormann, Foristell, which was adopted.

Senators Lembke and Schmitt offered Senate Resolution No. 461, regarding Charles H. Hoessle, St. Louis, which was adopted.

Senators Lembke and Schmitt offered Senate Resolution No. 462, regarding Daryl Rosen-Huitt, St. Louis, which was adopted.

Senators Lembke and Schmitt offered Senate Resolution No. 463, regarding Karen Kelly Dawson, St. Louis, which was adopted.

REFERRALS

President Pro Tem Mayer referred **SCS** for **SB 188** to the Committee on Ways and Means and Fiscal Oversight.

THIRD READING OF SENATE BILLS

SB 243, introduced by Senator Cunningham, entitled:

An Act to repeal section 177.088, RSMo, and to enact in lieu thereof two new sections relating to the utilization of resources and services.

Was taken up.

On motion of Senator Cunningham, **SB 243** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Crowell	Cunningham	Dempsey	Dixon	Engler	Goodman
Green	Justus	Kehoe	Kraus	Lager	Lamping	Lembke	Mayer
McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard	Ridgeway
Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senators

Chappelle-Nadal Keaveny—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SCS for **SB 133**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 133

An Act to repeal section 227.107, RSMo, and to enact in lieu thereof one new section relating to highway design-build project contracts.

Was taken up by Senator Rupp.

On motion of Senator Rupp, **SCS** for **SB 133** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

President Pro Tem Mayer assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Engler, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 61**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 219**, begs leave to report that it has considered the same and recommends that the Senate

Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 282**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 284**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 173**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 254**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 120**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 131**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Lager, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 135**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 207**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Pearce, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 81**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 130**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 163**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Schmitt, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 145**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 203**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Schaefer, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HCS for HB 14**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HB 15**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Munzlinger, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 63**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 278**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 162**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Stouffer assumed the Chair.

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 179**, begs leave to report that it has considered the same and recommends that the resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 7**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 8**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Senator Mayer, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointment, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Donald J. Vanderfeltz, as a member of the State Board of Optometry;

Also,

Deborah Polc, as a member of the Missouri Dental Board;

Also,

Benjamin Lampert and Christopher J. Young, as members of the Advisory Commission for Anesthesiologist Assistants;

Also,

Barbara Kuebler, as a member of the Child Abuse and Neglect Review Board.

Senator Mayer requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Mayer moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointment, which motion prevailed.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 321—Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs.

SB 322—Appropriations.

SB 323—Financial and Governmental Organizations and Elections.

SB 324—Transportation.

SB 325—Financial and Governmental Organizations and Elections.

SB 326—Financial and Governmental Organizations and Elections.

- SB 327**—Agriculture, Food Production and Outdoor Resources.
- SB 328**—Judiciary and Civil and Criminal Jurisprudence.
- SB 329**—General Laws.
- SB 330**—General Laws.
- SB 331**—Judiciary and Civil and Criminal Jurisprudence.
- SB 332**—Health, Mental Health, Seniors and Families.
- SB 333**—Health, Mental Health, Seniors and Families.
- SB 334**—Health, Mental Health, Seniors and Families.
- SB 335**—General Laws.
- SB 336**—Agriculture, Food Production and Outdoor Resources.
- SB 337**—Agriculture, Food Production and Outdoor Resources.
- SB 338**—Judiciary and Civil and Criminal Jurisprudence.
- SB 339**—Health, Mental Health, Seniors and Families.
- SB 340**—Financial and Governmental Organizations and Elections.
- SB 341**—Financial and Governmental Organizations and Elections.
- SB 342**—Education.
- SB 343**—Judiciary and Civil and Criminal Jurisprudence.
- SB 344**—Small Business, Insurance and Industry.
- SB 345**—Education.
- SB 346**—Health, Mental Health, Seniors and Families.
- SB 347**—Judiciary and Civil and Criminal Jurisprudence.
- SB 348**—Health, Mental Health, Seniors and Families.
- SB 349**—Judiciary and Civil and Criminal Jurisprudence.
- SB 350**—Judiciary and Civil and Criminal Jurisprudence.
- SB 351**—Health, Mental Health, Seniors and Families.
- SB 352**—Judiciary and Civil and Criminal Jurisprudence.
- SB 353**—General Laws.
- SB 354**—Judiciary and Civil and Criminal Jurisprudence.
- SB 355**—Rules, Joint Rules, Resolutions and Ethics.
- SB 356**—Agriculture, Food Production and Outdoor Resources.
- SB 357**—Commerce, Consumer Protection, Energy and the Environment.
- SB 358**—Financial and Governmental Organizations and Elections.

SB 359—Veterans’ Affairs, Emerging Issues, Pensions and Urban Affairs.

SB 360—Jobs, Economic Development and Local Government.

SB 361—General Laws.

SB 362—Judiciary and Civil and Criminal Jurisprudence.

SB 363—Judiciary and Civil and Criminal Jurisprudence.

SB 364—Jobs, Economic Development and Local Government.

SB 365—Financial and Governmental Organizations and Elections.

SB 366—Judiciary and Civil and Criminal Jurisprudence.

SB 367—Health, Mental Health, Seniors and Families.

SB 368—Agriculture, Food Production and Outdoor Resources.

SB 369—General Laws.

SB 370—General Laws.

SB 371—General Laws.

SB 372—General Laws.

SB 373—Small Business, Insurance and Industry.

SB 374—Jobs, Economic Development and Local Government.

SB 375—Commerce, Consumer Protection, Energy and the Environment.

SB 376—Commerce, Consumer Protection, Energy and the Environment.

SB 377—Ways and Means and Fiscal Oversight.

SB 378—Transportation.

SB 379—Judiciary and Civil and Criminal Jurisprudence.

SB 380—Ways and Means and Fiscal Oversight.

SB 381—Judiciary and Civil and Criminal Jurisprudence.

SB 382—Financial and Governmental Organizations and Elections.

SB 383—Ways and Means and Fiscal Oversight.

SB 384—Judiciary and Civil and Criminal Jurisprudence.

SB 385—Ways and Means and Fiscal Oversight.

SB 386—Transportation.

SB 387—Judiciary and Civil and Criminal Jurisprudence.

SB 388—General Laws.

SB 389—General Laws.

SB 390—Jobs, Economic Development and Local Government.

SB 391—Education.

SB 392—Small Business, Insurance and Industry.

SB 393—Health, Mental Health, Seniors and Families.

SB 394—Judiciary and Civil and Criminal Jurisprudence.

SB 395—Judiciary and Civil and Criminal Jurisprudence.

SB 396—Health, Mental Health, Seniors and Families.

SB 397—Jobs, Economic Development and Local Government.

SB 398—Financial and Governmental Organizations and Elections.

SB 399—Judiciary and Civil and Criminal Jurisprudence.

SB 400—Judiciary and Civil and Criminal Jurisprudence.

SB 401—Financial and Governmental Organizations and Elections.

SB 402—Transportation.

SB 403—Commerce, Consumer Protection, Energy and the Environment.

SB 404—Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs.

SB 405—Health, Mental Health, Seniors and Families.

SB 406—Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs.

SB 407—Health, Mental Health, Seniors and Families.

SB 408—Health, Mental Health, Seniors and Families.

SB 409—Education.

SB 410—Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs.

SB 411—Ways and Means and Fiscal Oversight.

SB 412—Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs.

SB 413—Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs.

SB 414—Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs.

SB 415—Judiciary and Civil and Criminal Jurisprudence.

SB 416—General Laws.

SB 417—Small Business, Insurance and Industry.

SJR 21—General Laws.

SJR 22—General Laws.

COMMUNICATIONS:

President Pro Tem Mayer submitted the following:

**SENATE HEARING SCHEDULE
96th GENERAL ASSEMBLY
FIRST REGULAR SESSION
MARCH 3, 2011**

	Monday	Tuesday	Wednesday	Thursday
8:00 a.m.		Appropriations SCR 2 (Schaefer)	Appropriations SCR 2 (Schaefer) Transportation SCR 1 (Stouffer)	
8:15 a.m.		Health, Mental Health, Seniors and Families SCR 1 (Ridgeway)		
8:30 a.m.			Gubernatorial Appointments SL (Mayer)	Ways and Means and Fiscal Oversight SCR 1 (Purgason) Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs SL (Crowell)
9:00 a.m.		Progress and Development SL (Callahan)		
12:00 Noon		Small Business, Insurance and Industry SCR 1 (Rupp) Rules, Joint Rules, Resolutions and Ethics SL (Dempsey)	Jobs, Economic Development and Local Government SL (Schmitt) Agriculture, Food Production and Outdoor Resources SCR 1 (Munzlinger)	
12:30 p.m.	Appropriations SCR 2 (Schaefer)			
1:30 p.m.		Commerce, Consumer Protection, Energy and the Environment SL (Lager) General Laws SCR 1 (Cunningham)	Governmental Accountability SCR 1 (Lembke) Education SL (Pearce)	
2:30 p.m.	Financial and Governmental Organizations and Elections SL (Engler)			
7:00 p.m.	Judiciary and Civil and Criminal Jurisprudence SL (Goodman)			

INTRODUCTIONS OF GUESTS

Senator Munzlinger introduced to the Senate, First Sergeant Randal Jacobson and Cadets Jeong Yong “Kevin” Choi, Kyle Perkinson, Matthew Reindel, Jefferson Green, Hsin Wei “Eric” Chiu, members of Missouri Military Academy Rifle Team.

Senator Schaefer introduced to the Senate, the Physician of the Day, Dr. Frank G. Rieger, M.D. and his wife, Reggie, Columbia.

Senator Kehoe introduced to the Senate, Kings of Historically Black College and Universities from around the state.

Senator Brown introduced to the Senate, students from Missouri University of Science and Technology, Rolla.

Senator Munzlinger introduced to the Senate, Coach Nick Hoth and Haylon Jacobs, Jake Vitale, Sinjon Adams, Josh Harlan and Monterio Burton, members of the Mexico High School Wrestling Team.

Senator Schaefer introduced to the Senate, students from the University of Missouri from around the state.

Senator McKenna introduced to the Senate, former State Representative George Engelbauch.

Senator Goodman introduced to the Senate, Melissa White, Crane.

Senator Pearce introduced to the Senate, students from Harrisonville McEowen Elementary School.

On motion of Senator Dempsey, the Senate adjourned until 4:00 p.m., Monday, March 7, 2011.

SENATE CALENDAR

THIRTY-SECOND DAY—MONDAY, MARCH 7, 2011

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 418-Chappelle-Nadal and Lamping
SB 419-Kraus
SB 420-Mayer
SB 421-Pearce
SB 422-Lager
SB 423-Lager
SB 424-Cunningham
SB 425-Goodman

SB 426-Lamping
SB 427-Lamping
SB 428-Ridgeway
SB 429-Ridgeway
SB 430-Mayer
SB 431-Munzlinger
SB 432-Munzlinger
SB 433-Kraus

HOUSE BILLS ON SECOND READING

HCS for HB 46
 HB 71-Nasheed, et al
 HB 139-Smith (150), et al

HB 209-Guernsey, et al
 HB 107-Smith (150), et al
 HCS for HB 205

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna
 (In Fiscal Oversight)

SCS for SB 188-Lager, et al
 (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 55-Brown
 2. SB 161-Munzlinger
 3. SB 61-Keaveny
 4. SB 219-Wasson, with SCS
 5. SB 284-Wasson
 6. SB 173-Dixon and Kehoe
 7. SB 254-Stouffer, with SCS
 8. SB 120-Stouffer
 9. SB 135-Schaefer

10. SB 207-Lager
 11. SB 130-Rupp, with SCS
 12. SB 163-Pearce, with SCS
 13. SB 145-Dempsey
 14. SB 203-Schmitt, et al
 15. SB 63-Mayer
 16. SB 278-Munzlinger, et al
 17. SB 162-Munzlinger, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 14, with SCS (Schaefer)

HB 15-Silvey (Schaefer)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SENATE BILLS FOR PERFECTION

SBs 1 & 206-Ridgeway, with SCS
 SBs 7, 5, 74 & 169-Goodman, with SCS

SB 8-Goodman, with SCS & SS#2 for SCS
 (pending)

SB 23-Keaveny, with SCS
SB 28-Brown

SBs 113 & 95-Parson and Engler, with SCS
SB 204-Dempsey, et al

HOUSE BILLS ON THIRD READING

HCS for HB 163, with SCS, SS for SCS &
SA 1 (pending) (Pearce)

CONSENT CALENDAR

Senate Bills

Reported 2/17

SB 57-Callahan, with SCS
SB 97-Engler

SB 96-Engler

Reported 3/3

SB 282-Engler
SB 131-Rupp, with SCS

SB 81-Pearce, with SCS

RESOLUTIONS

Reported from Committee

SR 179-Purgason
SCR 7-Dempsey

SCR 8-Rupp

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Journal of the Senate

FIRST REGULAR SESSION

THIRTY-SECOND DAY—MONDAY, MARCH 7, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“...with songs and everlasting joy upon their heads; they shall obtain joy and gladness, and sorrow and sighing shall flee away.” (Isaiah 35:10)

We are thankful to return to our work and responsibilities that You have given us. We thank You for safe travel. We thank You that You have shown us that we are to be a joyful people in our living and working and that gladness will accompany us through these days of service to the people of Missouri. So let us with boldness and confidence ask that we may trust always in Your love and mercy and find grace in our time of need. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, March 3, 2011 was read and approved.

Senator Dempsey announced that photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Crowell	Cunningham	Dempsey	Dixon	Engler	Goodman
Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	Lembke
Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

Absent—Senators—None

Absent with leave—Senator Chappelle-Nadal—1

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Wright-Jones offered Senate Resolution No. 464, regarding JRO Ministries Divinity Dancers, which was adopted.

Senator Stouffer offered Senate Resolution No. 465, regarding the One Hundredth Birthday of Avanell “Nell” Houck, Concordia, which was adopted.

Senator Parson offered Senate Resolution No. 466, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Larry Roland, Lamar, which was adopted.

Senators Lembke and Schmitt offered Senate Resolution No. 467, regarding Amy Richards, High Ridge, which was adopted.

Senators Lembke and Schmitt offered Senate Resolution No. 468, regarding Service International, Chesterfield, which was adopted.

Senators Lembke and Schmitt offered Senate Resolution No. 469, regarding Michael J. Meyer, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 470, regarding Johnny Furr, Jr., St. Louis, which was adopted.

Senator Kraus offered Senate Resolution No. 471, regarding the 2010-2011 Class 4 State Champion Blue Springs High School Wrestling Team, which was adopted.

Senator Schmitt offered Senate Resolution No. 472, regarding David Holley, which was adopted.

Senator Schmitt offered Senate Resolution No. 473, regarding Anna Rawlings, Kirkwood, which was adopted.

Senator Munzlinger offered Senate Resolution No. 474, regarding Vicki Hildebrand, Center, which was adopted.

Senator Ridgeway offered Senate Resolution No. 475, regarding Marcus Burchett, Smithville, which was adopted.

Senator Ridgeway offered Senate Resolution No. 476, regarding Zachary Green, Smithville, which was adopted.

Senator Crowell offered Senate Resolution No. 477, regarding Sergeant Dennis J. Horn, Cape Girardeau, which was adopted.

Senator Parson offered Senate Resolution No. 478, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Connie Mack McCurry, Fair Grove, which was adopted.

Senator McKenna offered Senate Resolution No. 479, regarding Jonah Zachary Tucker, which was adopted.

Senator Green offered Senate Resolution No. 480, regarding the One Hundredth Birthday of Theodore “Ted” Rozak, St. Louis, which was adopted.

SENATE BILLS FOR PERFECTION

At the request of Senator Brown, **SB 55** was placed on the Informal Calendar.

At the request of Senator Munzlinger, **SB 161** was placed on the Informal Calendar.

Senator Keaveny moved that **SB 61** be taken up for perfection, which motion prevailed.

Senator Keaveny offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 61, Page 1, Section 523.040, Line 8, by striking the word “two” and inserting in lieu thereof the following: “**one**”.

Senator Keaveny moved that the above amendment be adopted, which motion prevailed.

Senator Pearce assumed the Chair.

On motion of Senator Keaveny, **SB 61**, as amended, was declared perfected and ordered printed.

Senator Wasson moved that **SB 219**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 219**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 219

An Act to repeal sections 362.111 and 370.073, RSMo, and to enact in lieu thereof two new sections relating to international transactions.

Was taken up.

Senator Wasson moved that **SCS** for **SB 219** be adopted, which motion prevailed.

On motion of Senator Wasson, **SCS** for **SB 219** was declared perfected and ordered printed.

Senator Wasson moved that **SB 284** be taken up for perfection, which motion prevailed.

Senator Ridgeway offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 284, Page 5, Section 338.330, Line 47, by inserting after all of said line, the following:

“Section B. Because immediate action is necessary to ensure the continuance of clinical trials in this state, the repeal and reenactment of section 338.330 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 338.330 of section A of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title accordingly.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Wasson, **SB 284**, as amended, was declared perfected and ordered printed.

At the request of Senator Dixon, **SB 173** was placed on the Informal Calendar.

At the request of Senator Stouffer, **SB 254**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Stouffer, **SB 120** was placed on the Informal Calendar.

SB 135 was placed on the Informal Calendar.

Senator Lager moved that **SB 207** be taken up for perfection, which motion prevailed.

On motion of Senator Lager, **SB 207** was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 76**, entitled:

An Act to repeal sections 147.010, and 148.064, RSMo, and to enact in lieu thereof two new sections relating to the phase-out of the corporate franchise tax.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 276, 233 and 274**, entitled:

An Act to repeal sections 578.501, 578.502, and 578.503, RSMo, and to enact in lieu thereof four new sections relating to unlawful picketing of a funeral, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 116 and 316**, entitled:

An Act to repeal sections 32.028, 32.087, 105.716, 144.083, and 168.071, RSMo, and to enact in lieu thereof sixteen new sections relating to collection of state money, with a penalty provision and an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 136**, entitled:

An Act to repeal sections 288.050, 288.090, and 288.100, RSMo, and to enact in lieu thereof four new sections relating to benefits for military spouses.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 214**, entitled:

An Act to repeal sections 566.200, 566.203, 566.206, 566.209, 566.212, 566.213, 566.218, and 566.223, RSMo, and to enact in lieu thereof eight new sections relating to human trafficking, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 61**, entitled:

An Act to repeal section 290.502, RSMo, and to enact in lieu thereof one new section relating to the minimum wage.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 108**, entitled:

An Act to repeal sections 130.031 and 130.036, RSMo, and to enact in lieu thereof two new sections relating to campaign finance, with an existing penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
March 4, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Barbara Brown for the Child Abuse and Neglect Review Board, submitted to you on February 16, 2011. Line 1 should be amended to read:

Barbara Brown-Johnson, 4248 East Linwood Drive, Springfield, Greene County,

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Mayer referred the above addendum to the Committee on Gubernatorial Appointments.

COMMUNICATIONS

Senator Crowell submitted the following:

March 4, 2011

Ms. Terry Spieler
Secretary of Senate
State Capitol Building – Room 325
Jefferson City, Missouri 65101

Dear Madame Secretary:

I respectfully request that the following bills be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

SB 81 (Pearce) – Modifies provisions relating to fine arts education.

SB 131 (Rupp) – Exempts qualified plug-in electric drive vehicles from the motor vehicle emissions inspection program.

SB 282 (Engler) – Moves the presidential primary from February to March.

Sincerely,
/s/ Jason Crowell
Jason G. Crowell
State Senator

President Pro Tem Mayer submitted the following:

February 16, 2011

The Honorable Rob Mayer
President Pro Tem
Missouri Senate
State Capitol, Room 326
Jefferson City, MO 65101

Dear Senator Mayer:

I respectfully submit my resignation as a member of the Joint Committee on Legislative Research. Thank you for giving me the opportunity to serve in this capacity.

Sincerely,
/s/ Tom Dempsey
Tom Dempsey

Also,

March 7, 2011

Senator Jim Lembke
Chairman, Governmental Accountability Committee
Room 419, State Capitol
Jefferson City, MO 65101

Dear Chairman Lembke:

Pursuant to Senate Rule 28 Section 8, I request that your committee study HB 381, passed and signed into law in 2009, which requires the Department of Revenue to award fee office contracts by a competitive bidding process and give preference to specified tax exempt entities and

to political subdivisions.

Please investigate the process of how fee offices are awarded in the State of Missouri and make sure the provisions in this law are being carried out.

Please let me know if you have additional questions.

Sincerely,

/s/ Robert N. Mayer

Robert N. Mayer

District 25 Senator

Also,

March 7, 2011

Senator Jim Lembke

Chairman, Governmental Accountability Committee

Room 419, State Capitol

Jefferson City, MO 65101

Dear Chairman Lembke:

Pursuant to Senate Rule 28 Section 8, I request that your Committee on Governmental Accountability investigate allegations of food stamp fraud in Missouri.

It has recently come to my attention that Missouri EBT (Electronic Benefit Transfer) cardholders are not required to show identification when purchasing food with said cards. I have also learned that Missouri EBT cards were used in all fifty states this past January. While it is conceivable for cards to be used in Border States, it does appear strange that Missouri's cards were used in every state.

Please look into alleged misuses of these cards in the aforementioned areas.

Sincerely,

/s/ Robert N. Mayer

Robert N. Mayer

District 25 Senator

INTRODUCTIONS OF GUESTS

Senator Goodman introduced to the Senate, Dan Mohn and his son Jackson, Homeschoolers from Hollister; and Jackson was made an honorary page.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-THIRD DAY—TUESDAY, MARCH 8, 2011

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 418-Chappelle-Nadal and Lamping

SB 419-Kraus

SB 420-Mayer

SB 421-Pearce

SB 422-Lager
SB 423-Lager
SB 424-Cunningham
SB 425-Goodman
SB 426-Lamping
SB 427-Lamping

SB 428-Ridgeway
SB 429-Ridgeway
SB 430-Mayer
SB 431-Munzlinger
SB 432-Munzlinger
SB 433-Kraus

HOUSE BILLS ON SECOND READING

HCS for HB 46
HB 71-Nasheed, et al
HB 139-Smith (150), et al
HB 209-Guernsey, et al
HB 107-Smith (150), et al
HCS for HB 205
HCS for HB 76

HCS for HBs 276, 233 & 274
HCS for HBs 116 & 316
HCS for HB 136
HCS for HB 214
HCS for HB 61
HCS for HB 108

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna (In Fiscal Oversight)

SCS for SB 188-Lager, et al (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 130-Rupp, with SCS
SB 163-Pearce, with SCS
SB 145-Dempsey
SB 203-Schmitt, et al

SB 63-Mayer
SB 278-Munzlinger, et al
SB 162-Munzlinger, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 14, with SCS (Schaefer)

HB 15-Silvey (Schaefer)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SENATE BILLS FOR PERFECTION

SBs 1 & 206-Ridgeway, with SCS
SBs 7, 5, 74 & 169-Goodman, with SCS
SB 8-Goodman, with SCS & SS#2 for SCS
(pending)
SB 23-Keaveny, with SCS
SB 28-Brown
SB 55-Brown

SBs 113 & 95-Parson and Engler, with SCS
SB 120-Stouffer
SB 135-Schaefer
SB 161-Munzlinger
SB 173-Dixon and Kehoe
SB 204-Dempsey, et al
SB 254-Stouffer, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 163, with SCS, SS for SCS &
SA 1 (pending) (Pearce)

CONSENT CALENDAR

Senate Bills

Reported 2/17

SB 57-Callahan, with SCS
SB 97-Engler

SB 96-Engler

RESOLUTIONS

Reported from Committee

SR 179-Purgason
SCR 7-Dempsey

SCR 8-Rupp

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Journal of the Senate

FIRST REGULAR SESSION

THIRTY-THIRD DAY—TUESDAY, MARCH 8, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“To you, O LORD, I lift up my soul. O my God, in you I trust;” (Psalm 25:1-2a)

Grant us a faith that can rejoice in Your love and Your goodness despite the dark moments that we find around us. These are difficult times in our world and our country and we are grateful that You provide us the divine assurance of Your enduring comfort through the most stressful times. As we live each day as Your called servants who You have given the privilege to serve in this place may we trust in Your guidance in the decisions we must make. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Dempsey announced that photographers from KRCG-TV and Missouri News Horizon were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

The Senate observed a moment of silence honoring law enforcement officers from across the state.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 481, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Vernon Schlichting, Wittenberg, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Keaveny moved that **SB 23**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Schmitt assumed the Chair.

SCS for **SB 23**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 23

An Act to repeal sections 84.010, 86.200, and 86.213, RSMo, and to enact in lieu thereof ten new sections relating to the St. Louis police force, with penalty provisions and a contingent effective date.

Was taken up.

Senator Keaveny moved that **SCS** for **SB 23** be adopted.

Senator Kraus offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 23, Page 1, In the Title, Line 3, by striking “the St. Louis police force” and inserting in lieu thereof the following: “police forces”; and

Further amend said bill, page 7, section 84.349, line 73, by inserting immediately after said line the following:

“84.900. Notwithstanding any other provision of law to the contrary, as of August 28, 2011, any home rule city with more than four hundred thousand inhabitants and located in more than one county may establish, and thereafter maintain, a municipal police force under sections 84.905 and 84.910.

84.905. Any home rule city with more than four hundred thousand inhabitants and located in more than one county may establish a municipal police force for the purposes of:

- (1) Preserving the public peace, welfare, and order;**
- (2) Preventing crime and arresting suspected offenders;**
- (3) Enforcing the laws of the state and ordinances of the city;**
- (4) Exercising all powers available to a police force under generally applicable state law; and**
- (5) Regulating and licensing all private watchmen, private detectives, and private policemen serving or acting as such in said cities.**

No person shall act as a private watchman, private detective, or private policeman in said cities without first having obtained a written license from said police force.

84.910. 1. A home rule city with more than four hundred thousand inhabitants and located in more than one county that establishes and maintains a municipal police force pursuant to section 84.900 and section 84.905 shall provide for the employment in the municipal police force, immediately upon the effective date of the establishment of the municipal police force, of all officers and employees of any police force previously established under sections 84.350 to 84.850 at their then current salaries, and for their entitlement to all accrued benefits, including but not limited to, vacation time, sick leave, health insurance, life insurance, and pensions. Any such home rule city with more than four hundred thousand inhabitants and located in more than one county shall recognize any regulation concerning residence of police officers adopted by the board of police commissioners. Any retired officers shall also maintain their accrued benefits, including but not limited to health and life insurance.

2. Notwithstanding the provisions of subsection 1 of this section to the contrary, the city shall recognize the designated exclusive bargaining representative of the uniformed members of the municipal police force to the rank of sergeant and shall, to the extent permitted by federal and state law, engage in negotiations with said representative over terms, conditions, and benefits of employment in a good faith effort to enter into a binding contract covering such terms, conditions, and benefits.

84.915. The provisions of sections 84.350 to 84.850, and the terms of office of the commissioners of the board of police under sections 84.350 and 84.360 shall expire upon the effective date of this act.

84.920. Any police pension system created under chapter 86 for the benefit of a police force established under sections 84.350 to 84.850 shall continue to be governed by chapter 86, and shall apply to any police force established under sections 84.900 and 84.905.”; and

Further amend the title and enacting clause accordingly.

Senator Kraus moved that the above amendment be adopted.

Senator Keaveny raised the point of order that **SA 1** is out of order as it goes beyond the scope of the title of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Lembke offered **SS** for **SCS** for **SB 23**:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 23

An Act to repeal sections 84.010, 86.200, and 86.213, RSMo, and to enact in lieu thereof eleven new sections relating to the St. Louis police force, with penalty provisions and a contingent effective date.

Senator Lembke moved that **SS** for **SCS** for **SB 23** be adopted.

At the request of Senator Keaveny, **SB 23**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE SECRETARY OF STATE

TO THE SECRETARY OF THE SENATE

Ms. Terry Spieler
Jefferson City, MO

Madam:

I, Robin Carnahan, Secretary of State of the State of Missouri, hereby certify that at the Special Election held in the 9th Senatorial District in the State of Missouri, on the 22nd day of February, 2011, as provided by law, the following named person was elected to the office of State Senator, 9th Senatorial District as shown by the election results certified to this office by the election authority of the 9th Senatorial District.

Name	Office
Shalonn (Kiki) Curls 1909 Myrtle Ave. Kansas City, MO 64127-3407	State Senate 9 th Senatorial District

IN WITNESS WHEREOF, I have hereunto set my
hand and affixed the seal of my office this 2nd day of
March, 2011.

Seal

/s/ Robin Carnahan
Robin Carnahan
Secretary of State

Senator Curls approached the dais and received her oath of office administered by President Pro Tem Mayer.

REPORTS OF STANDING COMMITTEES

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 284**; **SCS** for **SB 219**; **SB 207**; and **SB 61**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

On motion of Senator Dempsey, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Pearce.

Senator Dempsey announced that photographers from KMIZ-TV and KOMU-TV were given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

Senator Schaaf offered Senate Resolution No. 482, regarding Dale Ellis, St. Joseph, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Parson moved that **SB 113** and **SB 95**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 113** and **95**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 113 and 95**

An Act to repeal section 273.345, RSMo, and to enact in lieu thereof one new section relating to commercial dog breeders, with existing penalty provisions and an emergency clause.

Was taken up.

Senator Parson moved that **SCS** for **SBs 113** and **95** be adopted.

Senator Parson offered **SS** for **SCS** for **SBs 113** and **95**, entitled:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 113 and 95**

An Act to repeal sections 273.327 and 273.345, RSMo, and to enact in lieu thereof four new sections relating to the care of dogs, with penalty provisions and an emergency clause.

Senator Parson moved that **SS** for **SCS** for **SBs 113** and **95** be adopted.

Senator Kehoe assumed the Chair.

Senator Pearce assumed the Chair.

Senator Kehoe assumed the Chair.

Senator Justus offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 113 and 95, Page 1, In the Title, Line 4 of the title, by striking “an emergency” and inserting in lieu thereof the following: “a referendum”; and

Further amend said bill, Page 9, Section B, Lines 17 to 23 of said page, by striking said lines and inserting in lieu thereof the following:

“Section B. This act is hereby submitted to the qualified voters of this state for approval or rejection at an election which is hereby ordered and which shall be held and conducted on Tuesday next following the first Monday in November, 2012, or at a special election to be called by the governor for that purpose, pursuant to the laws and constitutional provisions of this state for the submission of referendum measures by the general assembly, and this act shall become effective when approved by a majority of the votes cast thereon at such election and not otherwise.”.

Senator Justus moved that the above amendment be adopted.

Senator Justus offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 113 and 95, Page 1, Section B, Line 6, by striking “2012” and inserting in lieu thereof “2011”.

Senator Justus moved that the above amendment be adopted, which motion failed.

SA 1 was again taken up.

Senator Justus moved that the above amendment be adopted, which motion failed.

Senator Parson moved that **SS** for **SCS** for **SBs 113** and **95** be adopted, which motion prevailed.

On motion of Senator Parson, **SS** for **SCS** for **SBs 113** and **95** was declared perfected and ordered printed.

Senator Schaefer moved that **SB 135** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Schaefer offered **SS** for **SB 135**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 135

An Act to repeal sections 260.965 and 414.072, RSMo, and to enact in lieu thereof four new sections relating to environmental protection.

Senator Schaefer moved that **SS** for **SB 135** be adopted, which motion prevailed.

On motion of Senator Schaefer, **SS** for **SB 135** was declared perfected and ordered printed.

INTRODUCTIONS OF GUESTS

Senator Wright-Jones introduced to the Senate, Jill and Bob Johnson and their children, Mariam and Brandon, Homeschoolers from St. Louis; and Mariam and Brandon were made honorary pages.

Senator Pearce introduced to the Senate, representatives of MSTA from Bronaugh.

Senator Schaefer introduced to the Senate, teachers Lisa Schenker and Jim Steelman, parents, student Ben Ertle and other fourth grade students from U.S. Grant Elementary School, Columbia.

Senator Wright-Jones introduced to the Senate, Teri Buscom, St. Louis; Yolanda Lockhart, Jefferson City; Kay Gage; and representatives of Alpha Kappa Alpha Sorority, Inc.

Senator Wright-Jones introduced to the Senate, representatives of National Pan-Hellenic Council, Inc. from Lincoln University.

Senator Stouffer introduced to the Senate, Ed and Pat Richards, Pachyderms from Marshall.

Senator Lembke introduced to the Senate, Detective Joe Clark, his wife, Tracy and their children, Jehna, Sarah, Luke and Grace, St. Louis County.

Senator Lamping introduced to the Senate, Jeanine Stewart and Tom Wilsdon, St. Louis.

Senator Green introduced to the Senate, Principal McDaniel, teachers, Mrs. Scurry, Mrs. Wineland, parents and sixty-five fourth grade students from Robinwood Elementary School, Florissant; and JaKayla Ray, Emily Signaigo and Jamar Hinton were made honorary pages.

Senator Lamping introduced to the Senate, Andrew Sher, St. Louis; and Theckla Spainhower, Jefferson City.

On behalf of Senator Engler and himself, Senator McKenna introduced to the Senate, students from Festus Senior High School.

Senator Curls introduced to the Senate, her parents, Darwin and Sandra Curls, her son and daughter, James and Michaelen, her brother and his wife, Lenny and Norma Curls, nephews, Leonardo and Caesar, and her aunt, former State Representative Melba Curls, Monica Curls, Monique Jamerson, Captain Londell Jamerson, Bishop James Tindall, former State Senator Mary Bland, Judy Groves, Mr. John McDaniel, Darron McGee and Representative Chris Carter.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-FOURTH DAY—WEDNESDAY, MARCH 9, 2011

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 418-Chappelle-Nadal and Lamping
SB 419-Kraus
SB 420-Mayer
SB 421-Pearce
SB 422-Lager
SB 423-Lager
SB 424-Cunningham
SB 425-Goodman

SB 426-Lamping
SB 427-Lamping
SB 428-Ridgeway
SB 429-Ridgeway
SB 430-Mayer
SB 431-Munzlinger
SB 432-Munzlinger
SB 433-Kraus

HOUSE BILLS ON SECOND READING

HCS for HB 46
HB 71-Nasheed, et al
HB 139-Smith (150), et al
HB 209-Guernsey, et al
HB 107-Smith (150), et al
HCS for HB 205
HCS for HB 76

HCS for HBs 276, 233 & 274
HCS for HBs 116 & 316
HCS for HB 136
HCS for HB 214
HCS for HB 61
HCS for HB 108

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna (In Fiscal Oversight)	SCS for SB 219-Wasson
SCS for SB 188-Lager, et al (In Fiscal Oversight)	SB 207-Lager
SB 284-Wasson	SB 61-Keaveny

SENATE BILLS FOR PERFECTION

SB 130-Rupp, with SCS	SB 63-Mayer
SB 163-Pearce, with SCS	SB 278-Munzlinger, et al
SB 145-Dempsey	SB 162-Munzlinger, with SCS
SB 203-Schmitt, et al	

HOUSE BILLS ON THIRD READING

HCS for HB 14, with SCS (Schaefer)	HB 15-Silvey (Schaefer)
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INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SENATE BILLS FOR PERFECTION

SBs 1 & 206-Ridgeway, with SCS	SB 55-Brown
SBs 7, 5, 74 & 169-Goodman, with SCS	SB 120-Stouffer
SB 8-Goodman, with SCS & SS#2 for SCS	SB 161-Munzlinger
(pending)	SB 173-Dixon and Kehoe
SB 23-Keaveny, with SCS & SS for SCS	SB 204-Dempsey, et al
(pending)	SB 254-Stouffer, with SCS
SB 28-Brown	

HOUSE BILLS ON THIRD READING

HCS for HB 163, with SCS, SS for SCS & SA 1
(pending) (Pearce)

CONSENT CALENDAR

Senate Bills

Reported 2/17

SB 57-Callahan, with SCS
SB 97-Engler

SB 96-Engler

RESOLUTIONS

Reported from Committee

SR 179-Purgason
SCR 7-Dempsey

SCR 8-Rupp

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Journal of the Senate

FIRST REGULAR SESSION

THIRTY-FOURTH DAY—WEDNESDAY, MARCH 9, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“God never promises to remove us from our struggles. He does promise, however, to change the way we look at them.” (Max Lucado)

Merciful God, we begin this period we Christians observe as Lent; so on this Ash Wednesday, open us to know You and therefore to know ourselves as Your people. It is a special time to hear Your call to repent and return to You our God. Help us know that whatever struggles we encounter You are here to help us and please give us faithfulness to see life as You do and to be filled with hope and forgiveness. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Kraus offered Senate Resolution No. 483, regarding the city of Blue Springs, which was

adopted.

Senators Rupp and Dempsey offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 484

Whereas, the members of the Missouri Senate proudly pause to recognize an outstanding young Missouri citizen who has distinguished herself as a leader of her peers; and

Whereas, Sara von Harz of St. Charles, Missouri, a junior at Francis Howell North High School, is to be commended for her efforts to establish a cheerleading squad for children with special needs; and

Whereas, Adrenaline Explosion Cheerleading currently operates through the Northside Gymnastic Academy in O'Fallon and works with children of all disabilities in ages ranging from 5-18; and

Whereas, the squad was created with heart and a vision to help special needs children by promoting self-esteem, teamwork, exercise, patience, and perseverance; and

Whereas, Sara loves to cheer and got the idea to start a special squad after watching her brother, who has autism, try to do her routines while sitting on the sidelines; and

Whereas, Sara has achieved all of this and more with the love and support of her proud family, including her parents, Benjamin and Shannon von Harz, her siblings, Nicholas, Katherine, and Matthew; teachers; and friends:

Now, Therefore, Be It Resolved that we, the members of the Missouri Senate, Ninety-sixth General Assembly, join in extending our most hearty congratulations to Sara von Harz at this proud moment of well-deserved distinction, and in wishing her only the very best of success in all her future endeavors; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Sara von Harz.

Senator Mayer offered Senate Resolution No. 485, regarding Robert "Bob" Kushner, Piedmont, which was adopted.

Senator Mayer offered Senate Resolution No. 486, regarding Charlie Kruse, Dexter, which was adopted.

Senator Mayer offered Senate Resolution No. 487, regarding David Sells, Piedmont, which was adopted.

Senator Kraus offered Senate Resolution No. 488, regarding Dylan Hobson, Lee's Summit, which was adopted.

Senator Kraus offered Senate Resolution No. 489, regarding Joshua Hunt Reilly, Lee's Summit, which was adopted.

Senator Kraus offered Senate Resolution No. 490, regarding Ian M. Dobyns, Lee's Summit, which was adopted.

Senator Kraus offered Senate Resolution No. 491, regarding William M. Kamp, Lee's Summit, which was adopted.

Senator Kraus offered Senate Resolution No. 492, regarding Christopher S. Lykins, Lee's Summit, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Brown moved that **SB 55** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Brown offered **SS** for **SB 55**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 55

An Act to repeal section 137.016, RSMo, and to enact in lieu thereof one new section relating to classification of certain real property.

Senator Brown moved that **SS** for **SB 55** be adopted.

At the request of Senator Brown, **SB 55**, with **SS** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SB 135** and **SS** for **SCS** for **SBs 113** and **95**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Mayer referred **SS** for **SB 135** and **SS** for **SCS** for **SBs 113** and **95** to the Committee on Ways and Means and Fiscal Oversight.

SENATE BILLS FOR PERFECTION

SB 130, with **SCS**, was placed on the Informal Calendar.

Senator Stouffer assumed the Chair.

Senator Pearce moved that **SB 163**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 163**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 163

An Act to repeal sections 172.030, 173.005, and 174.450, RSMo, and to enact in lieu thereof three new sections relating to higher education boards.

Was taken up.

Senator Pearce moved that **SCS** for **SB 163** be adopted.

Senator Green offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 163, Page 1, Section 173.005, Line 7, by striking the word “Coordinating”; and further amend line 8 by striking both occurrences of the word “coordinating”; and further amend said section, page 2, line 16 by striking the word “coordinating”; and further amend line 21, by striking the word “coordinating”; and further amend line 23 by striking the word “coordinating”; and further amend line 29 by striking the word “coordinating”; and further amend line 31 by striking the word “coordinating”; and further amend 34 by striking the word “coordinating”; and further amend line 45 by striking the word “coordinating”; and further page 3 line 52 by striking the word “coordinating”; and further amend line 59 by striking the word “coordinating”; and further amend line 61

by striking the word “coordinating”; and further amend line 63 by striking the word “coordinating”; and further amend line 65 by striking the word “coordinating”; and further amend line 72 by striking the word “coordinating”; and further amend line 78 by striking the word “coordinating”; and further amend line 80 by striking the word “coordinating”; and further amend line 82 by striking the word “coordinating”; and further amend page 4, line 83 by striking the word “coordinating”; and further amend line 85 by striking the word “coordinating”; and further amend line 86 by striking the word “coordinating”; and further amend line 89 by striking the word “coordinating”; and further amend line 90 by striking the word “coordinating”; and further amend line 92 by striking both occurrences of the word “coordinating”; and further amend line 94 by striking the word “coordinating”; and further amend line 105 by striking the word “coordinating”; and further amend page 5, line 124 by striking the word “coordinating”; and further amend line 136 by striking the word “coordinating”; and further amend line 137 by striking the word “coordinating”; and further amend line 154 by striking the word “coordinating”; and further amend page 6, line 156, by striking the word “coordinating”; and further amend line 165 by striking the word “coordinating”; and further amend line 169 by striking the word “coordinating”; and further amend line 170 by striking the word “coordinating”; and further amend line 184 by striking the word “coordinating”; and further amend line 189 by striking the word “coordinating”.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Pearce moved that **SCS** for **SB 163**, as amended, be adopted, which motion prevailed.

On motion of Senator Pearce, **SCS** for **SB 163**, as amended, was declared perfected and ordered printed.

At the request of Senator Dempsey, **SB 145** was placed on the Informal Calendar.

At the request of Senator Schmitt, **SB 203** was placed on the Informal Calendar.

Senator Mayer moved that **SB 63** be taken up for perfection, which motion prevailed.

Senator Schaaf assumed the Chair.

On motion of Senator Mayer, **SB 63** was declared perfected and ordered printed.

Senator Munzlinger moved that **SB 161** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Munzlinger, **SB 161** was declared perfected and ordered printed.

Senator Brown moved that **SB 55**, with **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SB 55** was again taken up.

Senator Brown moved that **SS** for **SB 55** be adopted, which motion prevailed.

On motion of Senator Brown, **SS** for **SB 55** was declared perfected and ordered printed.

Senator Dixon moved that **SB 173** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Dixon, **SB 173** was declared perfected and ordered printed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

March 8, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Marilyn Durk to the Missouri Head Injury Advisory Council submitted to you on February 16, 2011. Line 3, 4, and 5 should be amended to read:

member of the Missouri Head Injury Advisory Council, for a term ending July 23, 2012, and until her successor is duly appointed and qualified; vice, Raymond Mungenast, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

March 8, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Richard Hashagen to the Missouri Head Injury Advisory Council submitted to you on February 16, 2011. Line 4 should be amended to read:

vice, Richard Hashagen, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Mayer referred the above addendums to the Committee on Gubernatorial Appointments.

REPORTS OF STANDING COMMITTEES

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 63**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

INTRODUCTIONS OF GUESTS

Senator Kraus introduced to the Senate, Representative Noel Torpey, Independence; and the Physician of the Day, Dr. Sean Clinefelter, Grain Valley.

Senator Nieves introduced to the Senate, Ron Howe and his daughter, Rachel, Ballwin; and Rachel was made an honorary page.

Senator Rupp introduced to the Senate, Sara von Harz, her parents, Benjamin and Shannon; and Lily Jackson, Chris Jackson and Trudy Giancola, St. Charles County; and Lily was made an honorary page.

Senator Wright-Jones introduced to the Senate, Mayor Francis Slay, St. Louis.

Senator Ridgeway introduced to the Senate, Stacie Bratcher, Stacie Coons, Ashley Williams, Christina Winters, Kathi Alexander, Amanda Martinez, Wendy Wells, Connie Harrison and Debbie, Vicki, Liz, Kerah, Rose, Sarah Jane and Tia, visitors from Immacolata Manor, Liberty.

Senator Pearce introduced to the Senate, Head Coach Tammy Holcomb, Assistant Coach Ryan Talley and members of the 2010 Class 3 State Champion Nevada R-V girls softball team.

Senator Kehoe introduced to the Senate, Professor Deborah Word and Lincoln University students, participants in Missouri Association of Social Welfare Student Lobby Day.

Senator Lembke introduced to the Senate, members of Big Brothers and Big Sisters Amachi Missouri from the First Senatorial District.

Senator Schmitt introduced to the Senate, Jackie Swinnie and Nic Yowell, Manchester.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-FIFTH DAY—THURSDAY, MARCH 10, 2011

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 418-Chappelle-Nadal and Lamping

SB 419-Kraus

SB 420-Mayer

SB 421-Pearce

SB 422-Lager

SB 423-Lager

SB 424-Cunningham

SB 425-Goodman

SB 426-Lamping

SB 427-Lamping

SB 428-Ridgeway

SB 429-Ridgeway

SB 430-Mayer

SB 431-Munzlinger

SB 432-Munzlinger

SB 433-Kraus

HOUSE BILLS ON SECOND READING

HCS for HB 46

HB 71-Nasheed, et al

HB 139-Smith (150), et al

HB 209-Guernsey, et al

HB 107-Smith (150), et al	HCS for HB 136
HCS for HB 205	HCS for HB 214
HCS for HB 76	HCS for HB 61
HCS for HBs 276, 233 & 274	HCS for HB 108
HCS for HBs 116 & 316	

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna (In Fiscal Oversight)	SS for SB 135-Schaefer
SCS for SB 188-Lager, et al (In Fiscal Oversight)	(In Fiscal Oversight)
SB 284-Wasson	SS for SCS for SBs 113 & 95-Parson
SCS for SB 219-Wasson	(In Fiscal Oversight)
SB 207-Lager	SB 63-Mayer
SB 61-Keaveny	

SENATE BILLS FOR PERFECTION

SB 278-Munzlinger, et al	SB 162-Munzlinger, with SCS
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HOUSE BILLS ON THIRD READING

HCS for HB 14, with SCS (Schaefer)	HB 15-Silvey (Schaefer)
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INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SENATE BILLS FOR PERFECTION

SBs 1 & 206-Ridgeway, with SCS	SB 120-Stouffer
SBs 7, 5, 74 & 169-Goodman, with SCS	SB 130-Rupp, with SCS
SB 8-Goodman, with SCS & SS#2 for SCS	SB 145-Dempsey
(pending)	SB 203-Schmitt, et al
SB 23-Keaveny, with SCS & SS for SCS	SB 204-Dempsey, et al
(pending)	SB 254-Stouffer, with SCS
SB 28-Brown	

HOUSE BILLS ON THIRD READING

HCS for HB 163, with SCS, SS for SCS &
SA 1 (pending) (Pearce)

CONSENT CALENDAR

Senate Bills

Reported 2/17

SB 57-Callahan, with SCS
SB 97-Engler

SB 96-Engler

RESOLUTIONS

Reported from Committee

SR 179-Purgason
SCR 7-Dempsey

SCR 8-Rupp

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Journal of the Senate

FIRST REGULAR SESSION

THIRTY-FIFTH DAY—THURSDAY, MARCH 10, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Your word was into me the joy and rejoicing of my heart.” (Jeremiah 15:16)

Gracious God, as we complete our work for this week we pray that Your word continues to bring joy to our hearts so that we live that word and share it with loved ones whom we return to this day. As we discern Your word this weekend may we keep Your judgements and live in Your grace so that we may have peace with one another. And we pray O Lord, that You will continue to touch and heal our doorkeeper, Bill Wyrick, so he may be strengthened and return to full health. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Dempsey announced that photographers from KRCG-TV and Missouri News Horizon were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 493, regarding David Hitt, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 494, regarding Roger Hudson, which was adopted.

Senator Lager offered Senate Resolution No. 495, regarding Wesley Henry Scherler McDowell, which was adopted.

Senator Lager offered Senate Resolution No. 496, regarding the One Hundredth Birthday of Lois Margaret Brown Martin, Rock Port, which was adopted.

Senator Lager offered Senate Resolution No. 497, regarding Betty L. Dunscombe, Hamilton, which was adopted.

Senator Lager offered Senate Resolution No. 498, regarding Benjamin Wendt, which was adopted.

Senator Crowell offered Senate Resolution No. 499, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Roy Darter, Cape Girardeau, which was adopted.

Senators Lembke and Schmitt offered Senate Resolution No. 500, regarding Noles Properties, St. Louis, which was adopted.

Senator Schaefer offered Senate Resolution No. 501, regarding Samuel P. Jones, Ashland, which was adopted.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

March 9, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Marilyn Durk to the Missouri Head Injury Advisory Council submitted to you on February 16, 2011. Line 1, 2, 3, should be amended to read:

Marilyn Durk, 2611 Briarwood Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Head Injury Advisory Council, for a term ending July 23, 2012, and until her successor is duly appointed and qualified; vice, Raymond Mungenast, term

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

President Pro Tem Mayer referred the above addendum to the Committee on Gubernatorial Appointments.

REPORTS OF STANDING COMMITTEES

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 173**; **SCS** for **SB 163**; **SB 161**; and **SS** for **SB 55**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Purgason, Chairman of the Committee on Ways and Means and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Ways and Means and Fiscal Oversight, to which were referred **SS** for **SCS** for **SBs 113** and **95**; **SS** for **SB 135**; and **SCS** for **SB 188**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Mayer, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Edna Chavis, as a member of the Missouri Quality Home Care Council;

Also,

Marylin Durk and Saleem Abdulrauf, as members of the Missouri Head Injury Advisory Council;

Also,

Martin Rucker, Democrat, as a member of the Board of Probation and Parole;

Also,

Robert Culler, as a member of the Missouri Agricultural and Small Business Development Authority;

Also,

Michael A. Zito, as a member of the Truman State University Board of Governors;

Also,

Angela Beshears, Republican, as Secretary of the Clay County Board of Election Commissioners;

Also,

Jack Lary, Republican, as a member and Secretary of the St. Louis City Board of Election Commissioners;

Also,

James Dronberger, as a member of the Advisory Commission for Physical Therapists;

Also,

Diane Scanga, as a member of the Peace Officer Standards and Training Commission;

Also,

Phillip Duncan, as a member of the Organ Donation Advisory Committee;

Also,

Michael Jones, Democrat, as a member of the State Board of Education.

Senator Mayer requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Mayer moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

THIRD READING OF SENATE BILLS

SCS for **SB 188**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 188

An Act to repeal sections 213.010, 213.070, 213.101, and 213.111, RSMo, and to enact in lieu thereof five new sections relating to unlawful discriminatory practices.

Was taken up by Senator Lager.

Senator Pearce assumed the Chair.

On motion of Senator Lager, **SCS** for **SB 188** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Crowell	Cunningham	Dempsey	Dixon	Engler	Goodman	Kehoe
Kraus	Lager	Lamping	Lembke	Mayer	Munzlinger	Nieves	Parson
Pearce	Purgason	Richard	Rupp	Schaaf	Schaefer	Schmitt	Stouffer

Wasson—25

NAYS—Senators

Callahan	Chappelle-Nadal	Curls	Green	Justus	Keaveny	McKenna	Ridgeway
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Wright-Jones—9

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Lager, title to the bill was agreed to.

Senator Lager moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SB 284, introduced by Senator Wasson, entitled:

An Act to repeal sections 338.055 and 338.330, RSMo, and to enact in lieu thereof two new sections relating to the authority of the board of pharmacy, with an emergency clause for a certain section.

Was taken up.

On motion of Senator Wasson, **SB 284** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
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Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Callahan moved that motion lay on the table, which motion prevailed.

SCS for **SB 219**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 219

An Act to repeal sections 362.111 and 370.073, RSMo, and to enact in lieu thereof two new sections relating to international transactions.

Was taken up by Senator Wasson.

On motion of Senator Wasson, **SCS for SB 219** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Crowell	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senator Chappelle-Nadal—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SB 207, introduced by Senator Lager, entitled:

An Act to repeal section 386.850, RSMo, relating to the Missouri energy task force.

Was taken up.

On motion of Senator Lager, **SB 207** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Kehoe—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Lager, title to the bill was agreed to.

Senator Lager moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SB 61, introduced by Senator Keaveny, entitled:

An Act to repeal section 523.040, RSMo, and to enact in lieu thereof one new section relating to condemnation commissioners.

Was taken up.

On motion of Senator Keaveny, **SB 61** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Engler
Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	Lembke
Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Stouffer	Wasson	Wright-Jones—31	

NAYS—Senators

Crowell	Goodman	Schmitt—3
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Keaveny, title to the bill was agreed to.

Senator Keaveny moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SS for SB 135, introduced by Senator Schaefer, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 135

An Act to repeal sections 260.965 and 414.072, RSMo, and to enact in lieu thereof four new sections relating to environmental protection.

Was taken up.

On motion of Senator Schaefer, **SS for SB 135** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SS for SCS for SBs 113 and 95, introduced by Senator Parson, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 113 and 95

An Act to repeal sections 273.327 and 273.345, RSMo, and to enact in lieu thereof four new sections relating to the care of dogs, with penalty provisions and an emergency clause.

Was taken up.

On motion of Senator Parson, **SS for SCS for SBs 113 and 95** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Crowell	Dixon	Engler	Goodman	Kehoe	Lager
Mayer	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard	Rupp
Schaaf	Schaefer	Stouffer	Wasson—20				

NAYS—Senators

Chappelle-Nadal	Cunningham	Curls	Dempsey	Green	Justus	Keaveny	Kraus
Lamping	Lembke	McKenna	Ridgeway	Schmitt	Wright-Jones—14		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause failed to receive the necessary two-thirds majority by the following vote:

YEAS—Senators

Brown	Callahan	Crowell	Dixon	Engler	Goodman	Kehoe	Lager
Mayer	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard	Schaaf

Stouffer Wasson—18

NAYS—Senators

Chappelle-Nadal	Cunningham	Curls	Dempsey	Green	Justus	Keaveny	Kraus
Lamping	Lembke	McKenna	Ridgeway	Rupp	Schmitt	Wright-Jones—15	

Absent—Senator Schaefer—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Parson, title to the bill was agreed to.

Senator Parson moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SB 63, introduced by Senator Mayer, entitled:

An Act to repeal section 256.400, RSMo, and to enact in lieu thereof two new sections relating to major water users.

Was taken up.

On motion of Senator Mayer, **SB 63** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

President Pro Tem Mayer assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Ridgeway, Chairman of the Committee on Health, Mental Health, Seniors and Families, submitted the following reports:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 17**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 62**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Purgason, Chairman of the Committee on Ways and Means and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Ways and Means and Fiscal Oversight, to which was referred **SB 280**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Engler, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 306**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 282**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 226**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 131**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Goodman, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 237**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 165**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 250**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 116**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 202**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 176**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 175**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Cunningham, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **SB 242**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 65**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 37**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 220**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Pearce, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 247**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 81**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 54**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Lembke, Chairman of the Committee on Governmental Accountability, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability, to which was referred **SB 200**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability, to which was referred **SB 72**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Schmitt, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following report:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 36**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Schaefer, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **SB 322**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Munzlinger, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 29**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SJR 11**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 174**, entitled:

An Act to repeal sections 172.030, 173.005, and 174.450, RSMo, and to enact in lieu thereof three new

sections relating to higher education governing boards, with an existing penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 112** and **285**, entitled:

An Act to repeal section 137.016, RSMo, and to enact in lieu thereof one new section relating to classification of certain real property.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 266**, entitled:

An Act to repeal section 304.180, RSMo, and to enact in lieu thereof one new section relating to weight limitations for vehicles hauling livestock and agricultural products.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 339**, entitled:

An Act to repeal section 392.460, RSMo, and to enact in lieu thereof one new section relating to telecommunications.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 167**, entitled:

An Act to repeal section 302.173, RSMo, and to enact in lieu thereof one new section relating to drivers' examinations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HJR 2**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 5 of

article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the right to pray.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Senator Pearce assumed the Chair.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 418—Financial and Governmental Organizations and Elections.

SB 419—General Laws.

SB 420—Small Business, Insurance and Industry.

SB 421—Financial and Governmental Organizations and Elections.

SB 422—Commerce, Consumer Protection, Energy and the Environment.

SB 423—Commerce, Consumer Protection, Energy and the Environment.

SB 424—General Laws.

SB 425—Judiciary and Civil and Criminal Jurisprudence.

SB 426—General Laws.

SB 427—Ways and Means and Fiscal Oversight.

SB 428—Judiciary and Civil and Criminal Jurisprudence.

SB 429—Health, Mental Health, Seniors and Families.

SB 430—Small Business, Insurance and Industry.

SB 431—Commerce, Consumer Protection, Energy and the Environment.

SB 432—Judiciary and Civil and Criminal Jurisprudence.

SB 433—Judiciary and Civil and Criminal Jurisprudence.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for HB 46—Jobs, Economic Development and Local Government.

HB 71—Financial and Governmental Organizations and Elections.

HB 139—General Laws.

COMMUNICATIONS

Senator Callahan submitted the following:

Terry Spieler
Secretary of the Missouri Senate
State Capitol Room 325
Jefferson City, Mo. 65101

March 10, 2011

Dear Mrs. Spieler,

This letter serves as notice that I am appointing Senator Kiki Curls to the Joint Committee on Tax Policy, effective immediately.

Please give me a call if you have any questions or need additional information.

Sincerely yours,
/s/ Victor E. Callahan
Victor E. Callahan
State Senator – 11th District

RESOLUTIONS

Senator Parson offered Senate Resolution No. 502, regarding Jerry Sue Hollis, Bolivar, which was adopted.

Senator Parson offered Senate Resolution No. 503, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Larry Cowardin, Carl Junction, which was adopted.

Senator Parson offered Senate Resolution No. 504, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Herschel Cantrell, Sedalia, which was adopted.

Senator Goodman offered Senate Resolution No. 505, regarding Karen Benson, Mount Vernon, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Wasson introduced to the Senate, the Physician of the Day, Dr. Bill Reynolds M.D., and his daughter, Rachel, Nixa.

Senator Green introduced to the Senate, Bishop Edward M. Rice, Archdiocese of St. Louis; Bishop John R. Gaydos, Diocese of Jefferson City; and Bishop James V. Johnston, Jr., Diocese of Springfield-Cape Girardeau.

Senator Stouffer introduced to the Senate, Nate, Amber, Alize and Natalie Burnam and Allan, Sherry and Dakota Muncy, Macon; and Dakota, Alize and Natalie were made honorary pages.

Senator Dempsey introduced to the Senate, Chris Burnett, St. Charles.

Senator Schmitt introduced to the Senate, sixty-eight fourth grade students from Robinson Elementary School, Kirkwood; and Grace Cunningham, DeShaun Jackson and Riley Morgan were made honorary pages.

Senator Schmitt introduced to the Senate, Don and Susan Sears and their children, Mason and Carson, Valley Park; and Mason and Carson were made honorary pages.

Senator Schmitt introduced to the Senate, Lance and Erin Greer and their daughter, Gabriella, Valley Park; and Gabriella was made an honorary page.

Senator Schmitt introduced to the Senate, Sara Carpenter and her son Isaac Bruns, Valley Park; and

Isaac was made an honorary page.

Senator Schmitt introduced to the Senate, Brain Cockrell, Valley Park.

On behalf of Senator Pearce, the President introduced to the Senate, Mayor Ernie Jungmeyer and Brad Ratliff, Peculiar.

Senator Engler introduced to the Senate, representatives of Trojan Intermediate, Potosi.

On motion of Senator Dempsey, the Senate adjourned until 4:00 p.m., Monday, March 14, 2011.

SENATE CALENDAR

THIRTY-SIXTH DAY—MONDAY, MARCH 14, 2011

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 209-Guernsey, et al	HCS for HB 61
HB 107-Smith (150), et al	HCS for HB 108
HCS for HB 205	HCS for HB 174
HCS for HB 76	HCS for HBs 112 & 285
HCS for HBs 276, 233 & 274	HCS for HB 266
HCS for HBs 116 & 316	HB 339-Pollock, et al
HCS for HB 136	HB 167-Nolte, et al
HCS for HB 214	HJR 2-McGhee, et al

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna (In Fiscal Oversight)	SB 161-Munzlinger
SB 173-Dixon and Kehoe	SS for SB 55-Brown
SCS for SB 163-Pearce	

SENATE BILLS FOR PERFECTION

1. SB 278-Munzlinger, et al	7. SB 282-Engler
2. SB 162-Munzlinger, with SCS	8. SB 226-Engler
3. SB 17-Lembke, with SCS	9. SB 131-Rupp, with SCS
4. SB 62-Schaaf, with SCS	10. SB 250-Kehoe
5. SB 280-Purgason, et al, with SCS	11. SB 202-Crowell
6. SB 306-Wasson	12. SB 176-Munzlinger, et al

- | | |
|----------------------------------|---------------------------------|
| 13. SB 175-Munzlinger, et al | 20. SB 54-Cunningham, with SCS |
| 14. SB 242-Cunningham, with SCS | 21. SB 200-Crowell |
| 15. SB 65-Mayer, et al, with SCS | 22. SB 72-Kraus |
| 16. SB 37-Lembke, with SCS | 23. SB 36-Lembke |
| 17. SB 220-Wasson | 24. SB 322-Schaefer |
| 18. SB 247-Pearce | 25. SB 29-Brown, with SCS |
| 19. SB 81-Pearce, with SCS | 26. SJR 11-Munzlinger, with SCS |

HOUSE BILLS ON THIRD READING

HCS for HB 14, with SCS (Schaefer)	HB 15-Silvey (Schaefer)
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INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SENATE BILLS FOR PERFECTION

SBs 1 & 206-Ridgeway, with SCS	SB 120-Stouffer
SBs 7, 5, 74 & 169-Goodman, with SCS	SB 130-Rupp, with SCS
SB 8-Goodman, with SCS & SS#2 for SCS	SB 145-Dempsey
(pending)	SB 203-Schmitt, et al
SB 23-Keaveny, with SCS & SS for SCS	SB 204-Dempsey, et al
(pending)	SB 254-Stouffer, with SCS
SB 28-Brown	

HOUSE BILLS ON THIRD READING

HCS for HB 163, with SCS, SS for SCS & SA 1
(pending) (Pearce)

CONSENT CALENDAR

Senate Bills

Reported 2/17

SB 57-Callahan, with SCS	SB 96-Engler
SB 97-Engler	

Reported 3/10

SB 237-Schaefer and Justus
SB 165-Goodman, with SCS

SB 116-Justus

RESOLUTIONS

Reported from Committee

SR 179-Purgason
SCR 7-Dempsey

SCR 8-Rupp

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Journal of the Senate

FIRST REGULAR SESSION

THIRTY-SIXTH DAY—MONDAY, MARCH 14, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Faith is what makes life bearable, with all its tragedies and ambiguities and sudden, startling joys.” (Madeleine L'Engle)

Lord God, we are so mindful of the tragedies of Japan and the lose of life and property there and in our own country. We pray for the injured and for those who walk through grief at the loss of loved ones. So we ask that You provide healing and comfort to all in need. We are thankful for faith that allows us to trust in You and see light in dark places. We are thankful for safe travel through this morning's winter wonderland and are grateful to be here to do what is required of us. So we give You thanks and praise for all You provide us to make it through these tough times. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, March 10, 2011 was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

REMONSTRANCES

Senator Schaaf offered the following remonstrance, which was read:

SENATE REMONSTRANCE NO. 1

WHEREAS, investigative journalism has a storied history that dates back to the original muckrackers of the 19th century who bravely investigated political corruption and abuses of power knowing full well of the personal and professional consequences that would result from such investigations and the reports that followed; and

WHEREAS, the rich tradition of investigative journalism includes such notable figures as Nellie Bly, Upton Sinclair, and Woodward and Bernstein; and

WHEREAS, investigative journalism has the power to shine a light upon political corruption and expose the unlawful use of power by elected officials; and

WHEREAS, the exposing of such corruption can lead to needed reforms in ethics and political governance, and, at the very least, the removal of corrupt public officials; and

WHEREAS, at a recent hearing of the Senate Committee on Progress and Development regarding Senate Bill No. 23, the Committee heard the testimony of a St. Louis City police officer; and

WHEREAS, such officer testified that the officer was on duty and investigating a commotion, and that the officer encountered a street vendor operating without a permit issued by the City of St. Louis; and

WHEREAS, during the course of the investigation, the vendor told the officer that a permit was not needed because he had paid the fee to an alderman and proceeded to show the officer a business card from the alderman; and

WHEREAS, the officer reported the findings of the investigation to his supervisor, but told the Committee that no further investigation was completed; and

WHEREAS, during the hearing on Senate Bill No. 23, including the testimony of the officer, members of the St. Louis press corps were present; and

WHEREAS, following the hearing, there have been no reports of such testimony or investigation into the allegations raised by such testimony by any member of the St. Louis press corps; and

WHEREAS, such failure to investigate and report fails the great tradition of investigative journalism and allows potential political corruption to continue unabated; and

WHEREAS, the St. Louis press corps, as part of the fourth estate, has a duty and responsibility to investigate and report on such allegations; and

WHEREAS, by failing to do so, the St. Louis press corps has failed the citizens of St. Louis:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-sixth General Assembly, First Regular Session, hereby remonstrates against the St. Louis press corps for its disregard of the proper role of a journalist to investigate and report upon corruption within the City of St. Louis regardless of the political implications or consequences to such investigation or reporting; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to send a copy of this remonstrance to the Missouri Press Association.

RESOLUTIONS

Senator Dixon offered Senate Resolution No. 506, regarding Gary A. Cyr, Sr., Springfield, which was adopted.

Senator Crowell offered Senate Resolution No. 507, regarding Kay Vangilder, which was adopted.

Senator Crowell offered Senate Resolution No. 508, regarding Scott Vangilder, which was adopted.

Senator Crowell offered Senate Resolution No. 509, regarding Tina Sides, which was adopted.

Senator Crowell offered Senate Resolution No. 510, regarding Becky Loenneke, which was adopted.

Senator Crowell offered Senate Resolution No. 511, regarding Andy Helle, which was adopted.

Senator Crowell offered Senate Resolution No. 512, regarding Kathy Jordan, Cape Girardeau, which was adopted.

Senator Engler offered Senate Resolution No. 513, regarding Victoria Ann Damba, D.O., Farmington, which was adopted.

Senator Munzlinger offered Senate Resolution No. 514, regarding Ray Klinginsmith, Kirksville, which was adopted.

Senator Kraus offered Senate Resolution No. 515, regarding Steve M. Engeman, Lee's Summit, which was adopted.

Senator Munzlinger offered Senate Resolution No. 516, regarding the Seventieth Wedding Anniversary of Gilbert and Kathleen Brown, Unionville, which was adopted.

Senator Munzlinger offered Senate Resolution No. 517, regarding Ronald Maggard, Vandalia, which was adopted.

Senator Munzlinger offered Senate Resolution No. 518, regarding Carl Mefford, Hannibal, which was adopted.

Senator Munzlinger offered Senate Resolution No. 519, regarding Clayton Schoneboom, Rush Hill, which was adopted.

Senator Munzlinger offered Senate Resolution No. 520, regarding Jason Woodhurst, Perry, which was adopted.

Senator Brown offered Senate Resolution No. 521, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Alfred F. Richardson, Rolla, which was adopted.

Senator Brown offered Senate Resolution No. 522, regarding the Crawford County R-II School District, which was adopted.

Senator Brown offered Senate Resolution No. 523, regarding the Dent-Phelps R-III School District, which was adopted.

Senator Brown offered Senate Resolution No. 524, regarding the Dixon R-I School District, which was adopted.

Senator Brown offered Senate Resolution No. 525, regarding the Gasconade County R-I School District, which was adopted.

Senator Brown offered Senate Resolution No. 526, regarding the Gasconade County R-II School District, which was adopted.

Senator Brown offered Senate Resolution No. 527, regarding the Green Forest R-II School District, which was adopted.

Senator Brown offered Senate Resolution No. 528, regarding the Maries County R-I School District, which was adopted.

Senator Brown offered Senate Resolution No. 529, regarding the North Wood R-IV School District, which was adopted.

Senator Brown offered Senate Resolution No. 530, regarding the Osage County R-I School District,

which was adopted.

Senator Brown offered Senate Resolution No. 531, regarding the Osage County R-II School District, which was adopted.

Senator Brown offered Senate Resolution No. 532, regarding the Osage County R-III School District, which was adopted.

Senator Brown offered Senate Resolution No. 533, regarding the Rolla 31 School District, which was adopted.

Senator Brown offered Senate Resolution No. 534, regarding the Salem R-80 School District, which was adopted.

Senator Brown offered Senate Resolution No. 535, regarding the St. James R-I School District, which was adopted.

Senator Brown offered Senate Resolution No. 536, regarding the Waynesville R-VI School District, which was adopted.

Senator Kraus offered Senate Resolution No. 537, regarding Amanda Marshall, Oak Grove, which was adopted.

Senator Kraus offered Senate Resolution No. 538, regarding Eternity Haynie, Blue Springs, which was adopted.

Senator Kraus offered Senate Resolution No. 539, regarding Ann Campbell, Blue Springs, which was adopted.

Senator Kraus offered Senate Resolution No. 540, regarding Jozianne Brennan, Lee's Summit, which was adopted.

Senator Kraus offered Senate Resolution No. 541, regarding Sarah Bechtold, Lee's Summit, which was adopted.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

March 14, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Stephen Cox, 12531 Liv 222, Chillicothe, Livingston County, Missouri 64601, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2011, and until his successor is duly appointed and qualified; vice, Steven Bruce, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

March 14, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Marvin Ferguson, Republican, 6502 Northwest Melody Lane, Parkville, Platte County, Missouri 64152, as a member of the Platte County Election Board, for a term ending January 11, 2013, and until his successor is duly appointed and qualified; vice, Christopher C. Dalton, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

March 14, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

John J. Hickey, 701 Wildrose Place, Columbia, Boone County, Missouri 65201, as a member of the Labor and Industrial Relations Commission, for a term ending July 27, 2014, and until his successor is duly appointed and qualified; vice, John J. Hickey, reappointed.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

March 14, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Daniel Kappel, Republican, 16730 Kingstowne Estate Drive, Wildwood, Saint Louis County, Missouri 63011, as a member of the Missouri Community Service Commission, for a term ending December 15, 2013, and until his successor is duly appointed and qualified; vice, Mary Potter, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

March 14, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Randall Relford, 504 Country Club Square Drive, Cameron, Clinton County, Missouri 64429, as a member of the Missouri Dental Board,

for a term ending October 16, 2012, and until his successor is duly appointed and qualified; vice, Sharlene Rimiller, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
March 14, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Brenda Tinnen, Independent, 406 South Main Street, Plattsburg, Clinton County, Missouri 64477, as a member of the Tourism Commission, for a term ending January 15, 2015, and until her successor is duly appointed and qualified; vice, Kelly D. Swanson, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
March 14, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Kristen Weber, 1733 Purity Court, Fenton, Saint Louis County, Missouri 63026, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2013, and until her successor is duly appointed and qualified; vice, Noella Buchanan, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
March 14, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Gregory Wheelen, 2757 West Roxbury Street, Springfield, Greene County, Missouri 65807, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2013, and until his successor is duly appointed and qualified; vice, Jennifer Charleston, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

March 14, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Richard Hashagen to the Missouri Head Injury Advisory Council submitted to you on February 16, 2011. Line 3 and 4 should be amended to read:

May 12, 2013, and until his successor is duly appointed and qualified; vice, Richard Hashagen, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Mayer referred the above appointments and addendum to the Committee on Gubernatorial Appointments.

SENATE BILLS FOR PERFECTION

Senator Ridgeway moved that **SB 1** and **SB 206**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 1** and **206**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 1 and 206

An Act to amend chapter 290, RSMo, by adding thereto one new section relating to labor organizations, with penalty provisions.

Was taken up.

Senator Rupp assumed the Chair.

Senator Ridgeway moved that **SCS** for **SBs 1** and **206** be adopted.

Senator Callahan offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 1 and 206, Page 2, Section 290.590, Line 44, by striking “or”; and

Further amend same page and section, line 49, by inserting immediately after “agreement” the following “; or (6) To any business or corporation that, in the five years preceding a legal action under this section, has terminated the employment of two-hundred or more employees as part of a lay-off or reduction in force and has hired, either directly or through a subsidiary, parent or related corporation or entity, more than two-hundred employees who are not citizens of the United States of America.”.

Senator Callahan moved that the above amendment be adopted.

At the request of Senator Ridgeway, **SB 1** and **SB 206**, with **SCS** and **SA 1** (pending), were placed on the Informal Calendar.

COMMUNICATIONS

Senator Crowell submitted the following:

March 11, 2011

Ms. Terry Spieler
Secretary of Senate
State Capitol Building – Room 325
Jefferson City, Missouri 65101

Dear Madame Secretary:

I respectfully request that the following bills be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

SB 116 (Justus) – Updates the Uniform Interstate Family Support Act.

SB 165 (Goodman) – Extends the sunset on the Basic Civil Legal Services Fund.

SB 237 (Schaefer) – Requires that the September 1996 Supreme Court standards for representation by guardians ad litem be updated.

Sincerely,
/s/ Jason Crowell
Jason G. Crowell
State Senator

President Pro Tem Mayer submitted the following:

March 10, 2011

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senators Maria Chappelle-Nadal and Kiki Curls to the Joint Committee on Corrections.
Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

Also,

March 10, 2011

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Joe Keaveny to the Joint Committee on Legislative Research.
Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

Also,

March 14, 2011

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Kiki Curls to the following committees:

Appropriations

General Laws

Health, Mental Health, Seniors and Families

I am removing Senator Jolie Justus from the Appropriations Committee and the Health, Mental Health, Seniors and Families Committee.

Also, I am removing Senator Ryan McKenna from the General Laws Committee.

Please feel free to contact me should you have any questions.

Sincerely,

/s/ Robert N. Mayer

Robert N. Mayer

President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Chappelle-Nadal introduced to the Senate, Dr. Colin Nichols, his wife, Diana and their children, Will and George, University City; and Will and George were made honorary pages.

Senator Kehoe introduced to the Senate, Rylee King, and her grandfather, David, Jasper, Alabama.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-SEVENTH DAY—TUESDAY, MARCH 15, 2011

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 209-Guernsey, et al

HB 107-Smith (150), et al

HCS for HB 205

HCS for HB 76

HCS for HBs 276, 233 & 274

HCS for HBs 116 & 316

HCS for HB 136

HCS for HB 214

HCS for HB 61

HCS for HB 108

HCS for HB 174

HCS for HBs 112 & 285

HCS for HB 266

HB 339-Pollock, et al

HB 167-Nolte, et al

HJR 2-McGhee, et al

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna (In Fiscal Oversight)
 SB 173-Dixon and Kehoe
 SCS for SB 163-Pearce

SB 161-Munzlinger
 SS for SB 55-Brown

SENATE BILLS FOR PERFECTION

1. SB 278-Munzlinger, et al
 2. SB 162-Munzlinger, with SCS
 3. SB 17-Lembke, with SCS
 4. SB 62-Schaaf, with SCS
 5. SB 280-Purgason, et al, with SCS
 6. SB 306-Wasson
 7. SB 282-Engler
 8. SB 226-Engler
 9. SB 131-Rupp, with SCS
 10. SB 250-Kehoe
 11. SB 202-Crowell
 12. SB 176-Munzlinger, et al
 13. SB 175-Munzlinger, et al

14. SB 242-Cunningham, with SCS
 15. SB 65-Mayer, et al, with SCS
 16. SB 37-Lembke, with SCS
 17. SB 220-Wasson
 18. SB 247-Pearce
 19. SB 81-Pearce, with SCS
 20. SB 54-Cunningham, with SCS
 21. SB 200-Crowell
 22. SB 72-Kraus
 23. SB 36-Lembke
 24. SB 322-Schaefer
 25. SB 29-Brown, with SCS
 26. SJR 11-Munzlinger, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 14, with SCS (Schaefer)

HB 15-Silvey (Schaefer)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SENATE BILLS FOR PERFECTION

SBs 1 & 206-Ridgeway, with SCS & SA 1
 (pending)
 SBs 7, 5, 74 & 169-Goodman, with SCS
 SB 8-Goodman, with SCS & SS#2 for SCS
 (pending)

SB 23-Keaveny, with SCS & SS for SCS
 (pending)
 SB 28-Brown
 SB 120-Stouffer
 SB 130-Rupp, with SCS

SB 145-Dempsey
SB 203-Schmitt, et al

SB 204-Dempsey, et al
SB 254-Stouffer, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 163, with SCS, SS for SCS &
SA 1 (pending) (Pearce)

CONSENT CALENDAR

Senate Bills

Reported 2/17

SB 57-Callahan, with SCS
SB 97-Engler

SB 96-Engler

RESOLUTIONS

Reported from Committee

SR 179-Purgason
SCR 7-Dempsey

SCR 8-Rupp

MISCELLANEOUS

To be Referred

REMONSTRANCE 1-Schaaf

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Journal of the Senate

FIRST REGULAR SESSION

THIRTY-SEVENTH DAY—TUESDAY, MARCH 15, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Wisdom is the power to see and the inclination to choose the best and highest goal, together with the surest means of attaining it.” (J.I. Packer)

Almighty God, we like Solomon ask for wisdom to discern among the difficult choices about us. Help us to make use of the collective wisdom of this senate so to choose the “best and highest goal”, and to find ways of implementing what must happen for those goals to be reached. Help us to find ways to listen to each other’s concerns so we might see errors on our bills and improve what is put forth from this body. And help us know Your abiding love so we might learn to love one another. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Dempsey announced that photographers from KRCG-TV and Missouri News Horizon were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

President Pro Tem Mayer assumed the Chair.

RESOLUTIONS

Senator Schaefer offered Senate Resolution No. 542, regarding Joshua Mark Walden, Hartsburg, which was adopted.

Senator Crowell offered Senate Resolution No. 543, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Francis Welker, which was adopted.

Senator Crowell offered Senate Resolution No. 544, regarding Amelia Mae Peters, Marble Hill, which was adopted.

Senator Curls offered Senate Resolution No. 545, regarding the death of Michael Charles, Kansas City, which was adopted.

Senator Kehoe offered Senate Resolution No. 546, regarding the Fortieth Anniversary of the Concord Baptist Church, Jefferson City, which was adopted.

Senator Mayer offered Senate Resolution No. 547, regarding the 2011 All-Missouri Academic Team and the Missouri Community College Association, which was adopted.

Senator Richard offered Senate Resolution No. 548, regarding Rob O'Brian, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Pearce, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 147**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Schmitt assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Goodman moved that **SB 8**, with **SCS** and **SS No. 2** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS No. 2 for **SCS** for **SB 8** was again taken up.

Senator Crowell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 8, Page 1, Section A, Line 3 of said page, by inserting after all of said line the following:

“287.067. 1. In this chapter the term “occupational disease” is hereby defined to mean, unless a different meaning is clearly indicated by the context, an identifiable disease arising with or without human fault out of and in the course of the employment. Ordinary diseases of life to which the general public is exposed outside of the employment shall not be compensable, except where the diseases follow as an incident of an occupational disease as defined in this section. The disease need not to have been foreseen or expected but after its contraction it must appear to have had its origin in a risk connected with the employment and to have flowed from that source as a rational consequence.

2. An injury **or death** by occupational disease is compensable only if the occupational exposure was

the prevailing factor in causing both the resulting medical condition and disability. The “prevailing factor” is defined to be the primary factor, in relation to any other factor, causing both the resulting medical condition and disability. Ordinary, gradual deterioration, or progressive degeneration of the body caused by aging or by the normal activities of day-to-day living shall not be compensable.

3. An injury due to repetitive motion is recognized as an occupational disease for purposes of this chapter. An occupational disease due to repetitive motion is compensable only if the occupational exposure was the prevailing factor in causing both the resulting medical condition and disability. The “prevailing factor” is defined to be the primary factor, in relation to any other factor, causing both the resulting medical condition and disability. Ordinary, gradual deterioration, or progressive degeneration of the body caused by aging or by the normal activities of day-to-day living shall not be compensable.

4. “Loss of hearing due to industrial noise” is recognized as an occupational disease for purposes of this chapter and is hereby defined to be a loss of hearing in one or both ears due to prolonged exposure to harmful noise in employment. “Harmful noise” means sound capable of producing occupational deafness.

5. “Radiation disability” is recognized as an occupational disease for purposes of this chapter and is hereby defined to be that disability due to radioactive properties or substances or to Roentgen rays (X-rays) or exposure to ionizing radiation caused by any process involving the use of or direct contact with radium or radioactive properties or substances or the use of or direct exposure to Roentgen rays (X-rays) or ionizing radiation.

6. Disease of the lungs or respiratory tract, hypotension, hypertension, or disease of the heart or cardiovascular system, including carcinoma, may be recognized as occupational diseases for the purposes of this chapter and are defined to be disability due to exposure to smoke, gases, carcinogens, inadequate oxygen, of paid firefighters of a paid fire department or paid police officers of a paid police department certified under chapter 590 if a direct causal relationship is established, or psychological stress of firefighters of a paid fire department if a direct causal relationship is established.

7. Any employee who is exposed to and contracts any contagious or communicable disease arising out of and in the course of his or her employment shall be eligible for benefits under this chapter as an occupational disease.

8. With regard to occupational disease due to repetitive motion, if the exposure to the repetitive motion which is found to be the cause of the injury is for a period of less than three months and the evidence demonstrates that the exposure to the repetitive motion with the immediate prior employer was the prevailing factor in causing the injury, the prior employer shall be liable for such occupational disease.”; and

Further amend said bill, Page 5, Section 287.120, Lines 5-10 of said page, by striking all of said lines and inserting in lieu thereof the following:

“287.150. 1. Where a third person is liable to the employee or to the dependents, for the injury or death, the employer shall be subrogated to the right of the employee or to the dependents against such third person, and the recovery by such employer shall not be limited to the amount payable as compensation to such employee or dependents, but such employer may recover any amount which such employee or his dependents would have been entitled to recover. Any recovery by the employer against such third person shall be apportioned between the employer and employee or his dependents using the provisions of subsections 2 and 3 of this section.

2. When a third person is liable for the death of an employee and compensation is paid or payable under this chapter, and recovery is had by a dependent under this chapter either by judgment or settlement for the wrongful death of the employee, the employer shall have a subrogation lien on any recovery and shall receive or have credit for sums paid or payable under this chapter to any of the dependents of the deceased employee to the extent of the settlement or recovery by such dependents for the wrongful death. Recovery by the employer and credit for future installments shall be computed using the provisions of subsection 3 of this section relating to comparative fault of the employee.

3. Whenever recovery against the third person is effected by the employee or his dependents, the employer shall pay from his share of the recovery a proportionate share of the expenses of the recovery, including a reasonable attorney fee. After the expenses and attorney fee have been paid, the balance of the recovery shall be apportioned between the employer and the employee or his dependents in the same ratio that the amount due the employer bears to the total amount recovered if there is no finding of comparative fault on the part of the employee, or the total damages determined by the trier of fact if there is a finding of comparative fault on the part of the employee. Notwithstanding the foregoing provision, the balance of the recovery may be divided between the employer and the employee or his dependents as they may otherwise agree. Any part of the recovery found to be due to the employer, the employee or his dependents shall be paid forthwith and any part of the recovery paid to the employee or his dependents under this section shall be treated by them as an advance payment by the employer on account of any future installments of compensation in the following manner:

(1) The total amount paid to the employee or his dependents shall be treated as an advance payment if there is no finding of comparative fault on the part of the employee; or

(2) A percentage of the amount paid to the employee or his dependents equal to the percentage of fault assessed to the third person from whom recovery is made shall be treated as an advance payment if there is a finding of comparative fault on the part of the employee.

4. In any case in which an injured employee has been paid benefits from the second injury fund as provided in subsection 3 of section 287.141, and recovery is had against the third party liable to the employee for the injury, the second injury fund shall be subrogated to the rights of the employee against said third party to the extent of the payments made to him from such fund, subject to provisions of subsections 2 and 3 of this section.

5. No construction design professional who is retained to perform professional services on a construction project or any employee of a construction design professional who is assisting or representing the construction design professional in the performance of professional services on the site of the construction project shall be liable for any injury resulting from the employer's failure to comply with safety standards on a construction project for which compensation is recoverable under the workers' compensation law, unless responsibility for safety practices is specifically assumed by contract. The immunity provided by this subsection to any construction design professional shall not apply to the negligent preparation of design plans or specifications.

6. Any provision in any contract or subcontract, where one party is an employer in the construction group of code classifications, which purports to waive subrogation rights provided under this section in anticipation of a future injury or death is hereby declared against public policy and void. Each contract of insurance for workers' compensation shall require the insurer to diligently pursue all subrogation rights of the employer and shall require the employer to fully cooperate with the insurer in pursuing such recoveries,

except that the employer may enter into compromise agreements with an insurer in lieu of the insurer pursuing subrogation against another party. The amount of any subrogation recovery by an insurer shall be credited against the amount of the actual paid losses in the determination of such employer's experience modification factor within forty-five days of the collection of such amount.

7. Notwithstanding any other provision of this section, when a third person is liable to the employee or to the dependents of an employee in a case when there is a finding that an occupational disease was caused by toxic exposure and the employee or dependents are compensated under this chapter, in no case shall the employer be subrogated to the rights of an employee or to the dependents of an employee against such third person when the employer caused the occupational disease. As used in this subsection, the term “toxic exposure” is defined to mean exposure to chemicals, dusts, particulates, fumes, mists, fibers, solvents, vapors, radiation, or other substances or materials that, when ingested, consumed, inhaled, or absorbed are sufficient to cause disease, death, mutations, cancer, deformities, or reproductive abnormalities in humans.”; and

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Pearce assumed the Chair.

Senator Stouffer assumed the Chair.

Senator Goodman moved that **SS No. 2 for SCS for SB 8**, as amended, be adopted, which motion prevailed.

On motion of Senator Goodman, **SS No. 2 for SCS for SB 8**, as amended, was re-perfected and ordered printed.

COMMUNICATIONS

President Pro Tem Mayer submitted the following:

March 14, 2011

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senators Rob Schaaf and Kiki Curls to the Missouri Consolidated Health Care Plan Board of Trustees.
Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

Senator Crowell submitted the following:

March 15, 2011

Ms. Terry Spieler
Secretary of Senate
State Capitol Building – Room 325
Jefferson City, Missouri 65101

Dear Madame Secretary:

I respectfully request that the following bills be removed from the Senate Consent Calendar in accordance with the provisions of Senate

Rule 45.

SB 147 (Schaefer) – Requires school districts to include in their school accountability report cards whether they have a gifted education program and the percentage and number of students enrolled.

Sincerely,
/s/ Jason Crowell
Jason G. Crowell
State Senator

RESOLUTIONS

Senator Engler offered Senate Resolution No. 549, regarding Alfred Swaringam, Fredericktown, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Chappelle-Nadal introduced to the Senate, representatives of Express Scripts, St. Louis.

Senator Pearce introduced to the Senate, Daryl Veatch, Butler; and Jarrod Campbell, Clinton.

Senator Justus introduced to the Senate, Sally and Anna Williams and Caroline Pryor, Kansas City; and Sally, Anna and Caroline were made honorary pages.

Senator Kraus introduced to the Senate, Debra Knapp and Rebecca, Elise and Ian Collins, Raytown; and Rebecca, Elise and Ian were made honorary pages.

Senator Engler introduced to the Senate, Ron Shy, Pevely.

Senator Nieves introduced to the Senate, his daughter, Alexandra; and Keaton Keenum, Washington.

Senator Kehoe introduced to the Senate, his wife, Claudia, Jefferson City; and Patty Mullins and her sons, Michael and Steven, St. Louis; and Michael was made an honorary page.

Senator Lager introduced to the Senate, fourth grade students from Hamilton School District.

Senator Richard introduced to the Senate, Head Coach Jeremy Phillips, Assistant Coaches Crocker and Sonis, Volunteer Coaches Espinosa and Jackson; and Tanner Schaak, Rimo Elwise, Nate Rodriguez, Ethan Pogue, Trevor Hughes, Payne Hatter, Paxon Fowler, Chase Espinosa, Carter Boatright, Blake Stauffer, Dallas Smith, Matt Milard, Riley Plew and River Buttram, members of the Neosho High School Wrestling team.

Senator Nieves introduced to the Senate, Heather, Isabelle and Aimee Hanratty and Dawn Grimes, Warrenton.

Senator Munzlinger introduced to the Senate, Mark Colvin and students from Scotland County High School, Memphis.

Senator Pearce introduced to the Senate, Aren Dameron and Tanner Wagoner, Centerview.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-EIGHTH DAY—WEDNESDAY, MARCH 16, 2011

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 209-Guernsey, et al	HCS for HB 61
HB 107-Smith (150), et al	HCS for HB 108
HCS for HB 205	HCS for HB 174
HCS for HB 76	HCS for HBs 112 & 285
HCS for HBs 276, 233 & 274	HCS for HB 266
HCS for HBs 116 & 316	HB 339-Pollock, et al
HCS for HB 136	HB 167-Nolte, et al
HCS for HB 214	HJR 2-McGhee, et al

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna (In Fiscal Oversight)	SCS for SB 163-Pearce
SB 173-Dixon and Kehoe	SB 161-Munzlinger
	SS for SB 55-Brown

SENATE BILLS FOR PERFECTION

1. SB 278-Munzlinger, et al	14. SB 242-Cunningham, with SCS
2. SB 162-Munzlinger, with SCS	15. SB 65-Mayer, et al, with SCS
3. SB 17-Lembke, with SCS	16. SB 37-Lembke, with SCS
4. SB 62-Schaaf, with SCS	17. SB 220-Wasson
5. SB 280-Purgason, et al, with SCS	18. SB 247-Pearce
6. SB 306-Wasson	19. SB 81-Pearce, with SCS
7. SB 282-Engler	20. SB 54-Cunningham, with SCS
8. SB 226-Engler	21. SB 200-Crowell
9. SB 131-Rupp, with SCS	22. SB 72-Kraus
10. SB 250-Kehoe	23. SB 36-Lembke
11. SB 202-Crowell	24. SB 322-Schaefer
12. SB 176-Munzlinger, et al	25. SB 29-Brown, with SCS
13. SB 175-Munzlinger, et al	26. SJR 11-Munzlinger, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 14, with SCS (Schaefer)

HB 15-Silvey (Schaefer)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SENATE BILLS FOR PERFECTION

SBs 1 & 206-Ridgeway, with SCS & SA 1
(pending)

SBs 7, 5, 74 & 169-Goodman, with SCS

SB 23-Keaveny, with SCS & SS for SCS
(pending)

SB 28-Brown

SB 120-Stouffer

SB 130-Rupp, with SCS

SB 145-Dempsey

SB 203-Schmitt, et al

SB 204-Dempsey, et al

SB 254-Stouffer, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 163, with SCS, SS for SCS &
SA 1 (pending) (Pearce)

CONSENT CALENDAR

Senate Bills

Reported 2/17

SB 57-Callahan, with SCS

SB 97-Engler

SB 96-Engler

RESOLUTIONS

Reported from Committee

SR 179-Purgason

SCR 7-Dempsey

SCR 8-Rupp

MISCELLANEOUS

To be Referred

REMONSTRANCE 1-Schaaf

✓

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-EIGHTH DAY—WEDNESDAY, MARCH 16, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“I will lift up mine eyes unto the hills, from where comes my help? My help comes from the LORD.” (Psalm 121:1-2)

As we are midway through this week and session we come to You Gracious God for we are pressed from every side dealing with the affairs of state as well as our personal situations. Help us O Lord when we are stressed and perplexed and provide us wisdom and peace, love and mercy so we may deal with the challenges of this day with confidence in Your guidance. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Kehoe offered Senate Resolution No. 550, regarding the Public School and Education Employee Retirement Systems of Missouri, which was adopted.

Senator Pearce offered Senate Resolution No. 551, regarding Herbert Nelson, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 552, regarding Mae A. Dollar, Warrensburg, which was adopted.

HOUSE BILLS ON THIRD READING

Senator Pearce moved that **HCS** for **HB 163**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 1 was again taken up.

Senator Schmitt assumed the Chair.

At the request of Senator Pearce, **HCS** for **HB 163**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

Senator Dempsey announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

SENATE BILLS FOR PERFECTION

Senator Rupp moved that **SB 130**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 130**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 130**

An Act to amend chapter 173, RSMo, by adding thereto four new sections relating to the early high school graduation scholarship program.

Was taken up.

Senator Rupp moved that **SCS** for **SB 130** be adopted.

Senator Rupp offered **SS** for **SCS** for **SB 130**, entitled:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 130**

An Act to repeal section 173.385, RSMo, and to enact in lieu thereof six new sections relating to higher education financial aid programs.

Senator Rupp moved that **SS** for **SCS** for **SB 130** be adopted.

At the request of Senator Rupp, **SB 130**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

Senator Dempsey moved that **SB 145** be called from the Informal Calendar and taken up for

perfection, which motion prevailed.

On motion of Senator Dempsey, **SB 145** was declared perfected and ordered printed.

At the request of Senator Munzlinger, **SB 278** was placed on the Informal Calendar.

At the request of Senator Munzlinger, **SB 162**, with **SCS**, was placed on the Informal Calendar.

Senator Lembke moved that **SB 17**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 17**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 17

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to cord blood banking.

Was taken up.

Senator Lembke moved that **SCS** for **SB 17** be adopted.

Senator Lembke offered **SS** for **SCS** for **SB 17**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 17

An Act to amend chapter 191, RSMo, by adding thereto two new sections relating to cord blood banking.

Senator Lembke moved that **SS** for **SCS** for **SB 17** be adopted, which motion failed.

SCS for **SB 17** was again taken up.

Senator Lembke moved that **SCS** for **SB 17** be adopted, which motion prevailed.

On motion of Senator Lembke, **SCS** for **SB 17** was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS No. 2** for **SCS** for **SB 8**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
March 15, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on March 14, 2011, for your

advice and consent:

Marvin Ferguson, Republican, 6502 Northwest Melody Lane, Parkville, Platte County, Missouri 64152, as a member of the Platte County Election Board, for a term ending January 11, 2013, and until his successor is duly appointed and qualified; vice, Christopher C. Dalton, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Mayer moved that the above appointment be returned to the Governor per his request, which motion prevailed.

REFERRALS

President Pro Tem Mayer referred **SRM 1** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 83**, entitled:

An Act to repeal sections 362.111 and 370.073, RSMo, and to enact in lieu thereof two new sections relating to international transactions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 109**, entitled:

An Act to repeal sections 30.260, 30.750, 30.758, 30.767, 30.810, and 30.860, RSMo, and to enact in lieu thereof five new sections relating to linked deposits, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 137**, entitled:

An Act to repeal section 37.005, RSMo, and to enact in lieu thereof one new section relating to the transfer of property by certain state universities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 142**, entitled:

An Act to repeal section 55.030, RSMo, and to enact in lieu thereof one new section relating to political subdivisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 149**, entitled:

An Act to repeal section 143.1004, RSMo, and to enact in lieu thereof one new section relating to the Missouri military family relief fund.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 151**, entitled:

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to donations to the organ donor program fund.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 153**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a highway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 171**, entitled:

An Act to repeal section 78.090, RSMo, and to enact in lieu thereof one new section relating to primary elections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HB 184**, entitled:

An Act to repeal section 233.280, RSMo, and to enact in lieu thereof one new section relating to the compensation of road district commissioners.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 186**, entitled:

An Act to repeal section 51.050, RSMo, and to enact in lieu thereof one new section relating to qualifications of clerks of county commissions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 189**, entitled:

An Act to repeal section 306.109, RSMo, and to enact in lieu thereof one new section relating to possession and use of certain alcohol containers and devices on certain rivers, with an existing penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 145**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

On motion of Senator Dempsey, the Senate recessed until 3:15 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Schmitt.

RESOLUTIONS

Senator Schaaf offered Senate Resolution No. 553, regarding the Sixty-fifth Anniversary of the Parkville Rotary Club, which was adopted.

Senator Pearce offered Senate Resolution No. 554, regarding Kori Sproat, which was adopted.

Senator Pearce offered Senate Resolution No. 555, regarding Terri Horine Helmig, Warrensburg, which was adopted.

Senator Mayer offered Senate Resolution No. 556, regarding Sergeant Dale Moreland, Dexter, which was adopted.

Senator Curls offered Senate Resolution No. 557, regarding Alexander Lee Daffer, Kansas City, which was adopted.

Senator Curls offered Senate Resolution No. 558, regarding Ryan Ellis Allen, Kansas City, which was adopted.

Senator Lager offered Senate Resolution No. 559, regarding the Hale R-I School District, which was adopted.

Senator Lager offered Senate Resolution No. 560, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Tom McCaughey, Oak Grove, which was adopted.

Senator Lager offered Senate Resolution No. 561, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lyndell Tharp, Green Castle, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Munzlinger moved that **SB 162**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 162**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 162

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to the farm-to-table advisory board, with an expiration date for a certain section.

Was taken up.

Senator Munzlinger moved that **SCS** for **SB 162** be adopted, which motion prevailed.

On motion of Senator Munzlinger, **SCS** for **SB 162** was declared perfected and ordered printed.

Senator Schaaf moved that **SB 62**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 62**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 62

An Act to repeal section 191.227, RSMo, and to enact in lieu thereof one new section relating to medical records.

Was taken up.

Senator Schaaf moved that **SCS** for **SB 62** be adopted.

Senator Schaaf offered **SS** for **SCS** for **SB 62**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 62

An Act to repeal section 191.227, RSMo, and to enact in lieu thereof one new section relating to

medical records.

Senator Schaaf moved that **SS** for **SCS** for **SB 62** be adopted.

At the request of Senator Schaaf, **SB 62**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

SB 280, with **SCS**, was placed on the Informal Calendar.

Senator Wasson moved that **SB 306** be taken up for perfection, which motion prevailed.

Senator Wasson offered **SS** for **SB 306**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 306

An Act to repeal sections 370.100, 370.157, 370.310, 370.320, 370.353, and 370.359, RSMo, and to enact in lieu thereof thirteen new sections relating to credit unions, with penalty provisions.

Senator Wasson moved that **SS** for **SB 306** be adopted, which motion prevailed.

On motion of Senator Wasson, **SS** for **SB 306** was declared perfected and ordered printed.

Senator Engler moved that **SB 282** be taken up for perfection, which motion prevailed.

Senator Kraus offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 282, Page 1, In the Title, Line 3, by striking the following: “the date of the presidential primary” and inserting in lieu thereof the following: “dates of conducting elections”; and

Further amend said bill and page, section 115.123, line 2, by striking “, 3, and 4” and inserting in lieu thereof the following: “**and 3**”; and further amend line 5, by striking “February or”; and further amend line 6, by striking “the first Tuesday after the first Monday in June”.

Senator Kraus moved that the above amendment be adopted.

At the request of Senator Engler, **SB 282**, with **SA 1** (pending), was placed on the Informal Calendar.

At the request of Senator Engler, **SB 226** was placed on the Informal Calendar.

Senator Rupp moved that **SB 131**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 131**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 131

An Act to repeal section 643.315, RSMo, and to enact in lieu thereof one new section relating to exempting qualified plug-in electric drive vehicles from the motor vehicle emissions inspection program.

Was taken up.

Senator Rupp moved that **SCS** for **SB 131** be adopted, which motion prevailed.

On motion of Senator Rupp, **SCS** for **SB 131** was declared perfected and ordered printed.

Senator Kehoe moved that **SB 250** be taken up for perfection, which motion prevailed.

Senator Pearce assumed the Chair.

Senator Callahan offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 250, Page 1, In the Title, Line 3 of the title, by striking: “imprisoned by the department of corrections for” and inserting in lieu thereof the following: “convicted of”; and

Further amend said bill and page, Section A, Line 2, by inserting after all of said line the following:

“566.147. 1. Any person who, since July 1, 1979, has been or hereafter has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of:

(1) Violating any of the provisions of this chapter or the provisions of subsection 2 of section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree; subsection 2 of section 568.080, use of a child in a sexual performance; section 568.090, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography in the first degree; section 573.035, promoting child pornography in the second degree; section 573.037, possession of child pornography, or section 573.040, furnishing pornographic material to minors; or

(2) Any offense in any other state or foreign country, or under federal, tribal, or military jurisdiction which, if committed in this state, would be a violation listed in this section; shall not reside within one thousand feet of:

(a) Any public school as defined in section 160.011[, or];

(b) Any private school giving instruction in a grade or grades not higher than the twelfth grade[, or];

(c) **Any** child-care facility [as defined in section 210.201, which] **that is licensed under chapter 210;**
or

(d) **Any residence, business, nonprofit organization, or church that holds itself out to be a child-care facility;**

where the school or facility is in existence at the time the individual begins to reside at the location.

2. If such person has already established a residence and a public school, a private school, or child-care facility is subsequently built or placed within one thousand feet of such person's residence, then such person shall, within one week of the opening of such public school, private school, or child-care facility, notify the county sheriff where such public school, private school, or child-care facility is located that he or she is now residing within one thousand feet of such public school, private school, or child-care facility and shall provide verifiable proof to the sheriff that he or she resided there prior to the opening of such public school, private school, or child-care facility.

3. For purposes of this section, “resides” means sleeps in a residence, which may include more than one location and may be mobile or transitory.

4. Violation of the provisions of subsection 1 of this section is a class D felony except that the second or any subsequent violation is a class B felony. Violation of the provisions of subsection 2 of this section is a class A misdemeanor except that the second or subsequent violation is a class D felony.”; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Kehoe, **SB 250**, as amended, was declared perfected and ordered printed.

At the request of Senator Crowell, **SB 202** was placed on the Informal Calendar.

At the request of Senator Munzlinger, **SB 176** was placed on the Informal Calendar.

At the request of Senator Munzlinger, **SB 175** was placed on the Informal Calendar.

At the request of Senator Cunningham, **SB 242**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Mayer, **SB 65**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Lembke, **SB 37**, with **SCS**, was placed on the Informal Calendar.

Senator Wasson moved that **SB 220** be taken up for perfection, which motion prevailed.

On motion of Senator Wasson, **SB 220** was declared perfected and ordered printed.

CONCURRENT RESOLUTIONS

Senator Dempsey moved that **SCR 7** be taken up for adoption, which motion prevailed.

On motion of Senator Dempsey, **SCR 7** was adopted by the following vote:

YEAS—Senators

Brown	Callahan	Crowell	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Chappelle-Nadal McKenna—2

Vacancies—None

SENATE BILLS FOR PERFECTION

Senator Engler moved that **SB 282**, with **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

Senator Kraus moved that the above amendment be adopted, which motion prevailed.

Senator Lager offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 282, Page 1, Section 115.123, Line 10, by striking “**on the first Tuesday after the first Monday in March**” and inserting in lieu thereof, the following: “**seven days after the presidential primary is conducted in the state of New Hampshire**”.

Senator Lager moved that the above amendment be adopted.

Senator Engler requested a roll call vote be taken on the adoption of **SA 2** and was joined in his request by Senators Justus, Callahan, Kraus and Lembke.

SA 2 was adopted by the following vote:

YEAS—Senators

Brown	Crowell	Cunningham	Dixon	Kehoe	Lager	Lamping	Lembke
Munzlinger	Nieves	Parson	Rupp	Schaaf	Schaefer	Stouffer	Wasson—16

NAYS—Senators

Callahan	Curls	Dempsey	Engler	Goodman	Justus	Keaveny	Kraus
Mayer	Pearce	Richard	Ridgeway	Schmitt	Wright-Jones—14		

Absent—Senators

Green	Purgason—2
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Absent with leave—Senators

Chappelle-Nadal	McKenna—2
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Vacancies—None

Senator Lager offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 282, Page 1, Section 115.123, Line 23, by inserting after all of said line, the following:

“Section 1. All public elections held in order to comply with the provisions of Article X Section 18 (e) or Article X Section 22 of the Missouri Constitution shall only be held on the general election day.”; and

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted.

Senator Justus raised the point of order that **SA 3** is out of order as it goes beyond the scope and subject matter of the underlying bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Nieves assumed the Chair.

Senator Schaefer offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Bill No. 282, Page 2, Section 115.123, Line 27, by inserting after all of said line, the following:

“Section 1. The state or national party organization of an established political party seeking to include a candidate on the presidential preference primary ballot shall provide the secretary of state a petition containing signatures of five thousand registered voters attesting to their approval of the candidate's inclusion on the presidential preference primary ballot. The petition shall be delivered

to the secretary of state on or before the eleventh Tuesday prior to the date of the presidential preference primary. The form of the petition shall be provided by the secretary of state.”; and

Further amend the title and enacting clause accordingly.

Senator Schaefer moved that the above amendment be adopted.

Senator Callahan requested a roll call vote be taken and was joined in his request by Senators Engler, Justus, Keaveny and Lamping.

SA 4 failed of adoption by the following vote:

YEAS—Senators

Brown	Crowell	Dempsey	Dixon	Kehoe	Lager	Lamping	Lembke
Mayer	Munzlinger	Nieves	Parson	Schaaf	Schaefer—14		

NAYS—Senators

Callahan	Cunningham	Curls	Engler	Goodman	Justus	Keaveny	Kraus
Pearce	Richard	Ridgeway	Rupp	Schmitt	Stouffer	Wasson	Wright-Jones—16

Absent—Senators

Green	Purgason—2
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Absent with leave—Senators

Chappelle-Nadal	McKenna—2
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Vacancies—None

Senator Schaaf offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Bill No. 282, Page 2, Section 115.123, Line 27, by inserting after all of said line, the following:

“115.757. 1. The secretary of state shall not certify any candidate for president or vice-president unless that candidate has provided the secretary of state with proof that the requirements of 8 U.S.C. 1401, 8 U.S.C. 1402, 8 U.S.C. 1406, and 8 U.S.C. 1407 are satisfied. For proof of live birth, a certification of live birth that does not record the name of the birthing facility or street address of the location where the birth occurred, or does not display the signature of the certifying administrator, designated representative of the birthing facility, physician, midwife, or other legally authorized person in attendance at birth will not be accepted by the secretary of state for consideration as proof. A long form birth certificate that does record the name of the birthing facility or street address of the location where the birth occurred and does display the signature of the certifying administrator, designated representative of the birthing facility, physician, midwife, or other legally authorized person in attendance at birth will be required as proof if one exists.

2. The secretary of state shall make the proof of birth required pursuant to subsection 1 of this section, including a long-form birth certificate, if one is provided, available for public viewing via the internet.”; and

Further amend the title and enacting clause accordingly.

Senator Schaaf moved that the above amendment be adopted.

Senator Justus raised the point of order that **SA 5** is out of order as it goes beyond the scope and intent of the original bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

On motion of Senator Engler, **SB 282**, as amended, was declared perfected and ordered printed.

Senator Schaaf moved that **SB 62**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Schaaf, **SS** for **SCS** for **SB 62** was withdrawn.

Senator Schaaf offered **SS No. 2** for **SCS** for **SB 62**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 62

An Act to repeal section 191.227, RSMo, and to enact in lieu thereof one new section relating to medical records.

Senator Schaaf moved that **SS No. 2** for **SCS** for **SB 62** be adopted, which motion prevailed.

On motion of Senator Schaaf, **SS No. 2** for **SCS** for **SB 62** was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 190**, entitled:

An Act to repeal section 253.082, RSMo, and to enact in lieu thereof three new sections relating to cash transactions by the department of natural resources.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 204**, entitled:

An Act to repeal section 41.950, RSMo, and to enact in lieu thereof two new sections relating to driver's license renewal for military personnel.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 250**, entitled:

An Act to amend chapter 640, RSMo, by adding thereto one new section relating to well water.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 217**, entitled:

An Act to amend chapter 115, RSMo, by adding thereto one new section relating to electronic voter identification verification systems.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 338**, entitled:

An Act to amend chapter 392, RSMo, by adding thereto one new section relating to telecommunications.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 363**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 415**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 442**, entitled:

An Act to amend chapter 34, RSMo, by adding thereto one new section relating to preferences for state contracts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 229**, entitled:

An Act to repeal sections 169.270, 169.280, 169.301, 169.324, and 169.328, RSMo, and to enact in lieu thereof five new sections relating to school retirement systems.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 282**, entitled:

An Act to repeal sections 105.915 and 105.927, RSMo, and to enact in lieu thereof two new sections relating to the state employee deferred contribution program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 315**, entitled:

An Act to repeal sections 144.018 and 144.019, RSMo, and section 32.125 as enacted by house substitute for senate bill no. 374, eighty-eighth general assembly, first regular session, section 52.315 as enacted by house committee substitute for senate committee substitute for senate bill no. 497, ninety-fourth general assembly, first regular session, section 67.281 as enacted by conference committee substitute for senate bill no. 513, ninety-fifth general assembly, first regular session, section 67.1305 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 58 merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 210 merged with conference committee substitute for house committee substitute for senate substitute for senate bill no. 343, ninety-third general assembly, first regular session, section 91.055 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house bill no. 450, ninetieth general assembly, first regular session, section 115.348 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 58, ninety-third general assembly, first regular session, section 135.100 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session, section 135.100 as enacted by conference committee substitute for house substitute for house committee substitute for senate bill no. 827, eighty-ninth general assembly, second regular session, section 135.200 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session, section 135.200 as enacted

by conference committee substitute for house committee substitute for senate bill no. 1, eighty-ninth general assembly, second extraordinary session, section 135.200 as enacted by senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 1656, eighty-ninth general assembly, second regular session, section 141.550 as enacted by conference committee substitute for house substitute for house committee substitute for senate committee substitute for senate bill no. 894, ninetieth general assembly, second regular session, section 171.035 as enacted by conference committee substitute for house committee substitute for senate bill no. 376, ninety-fourth general assembly, first regular session, section 171.035 as enacted by house committee substitute for house bill no. 678, ninety-fourth general assembly, first regular session, section 217.777 as enacted by senate committee substitute for senate bill no. 430, eighty-ninth general assembly, first regular session, section 227.381 as enacted by house bill no. 1488, ninety-third general assembly, second regular session, section 228.362 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bill no. 180, eighty-seventh general assembly, first regular session, section 286.060 as enacted by senate committee substitute for house committee substitute for house bills nos. 300 & 95, eighty-eighth general assembly, first regular session, section 301.064 as enacted by house committee substitute for senate substitute for senate bill no 3, eighty-eighth general assembly, first regular session, section 301.064 as enacted by house bill no. 769, eighty-ninth general assembly, first regular session, section 301.630 as enacted by conference committee substitute for house substitute for house committee substitute for senate bill no. 895, ninety-first general assembly, second regular session, section 304.156 as enacted by senate committee substitute for house bill no. 996 and house bill no. 1142 and house committee substitute for house bill no. 1201 and house bill no. 1489, ninety-second general assembly, second regular session, section 304.678 as enacted by house committee substitute for senate committee substitute for senate bill no. 372, ninety-third general assembly, first regular session, section 321.701 as enacted by conference committee substitute no. 2 for senate substitute no. 2 for house committee substitute for house bills nos. 484, 199 & 72, eighty-eighth general assembly, first regular session, section 321.714 as enacted by senate substitute for senate committee substitute for house committee substitute for house bills nos. 452, 203, 377, 472, 473, 556 & 647, eighty-eighth general assembly, first regular session, section 324.712 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 567, ninety-first general assembly, first regular session, section 335.067 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780, ninety-fourth general assembly, first regular session, section 339.040 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bill no. 754, ninety-fifth general assembly, second regular session, section 361.170 as enacted by house committee substitute for house bill no. 379, ninety-third general assembly, first regular session, section 370.107 as enacted by senate bill no. 318, ninety-third general assembly, first regular session, section 376.1500 as enacted by senate substitute no. 2 for senate committee substitute for house committee substitute for house bill no. 818, ninety-fourth general assembly, first regular session, section 393.906 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house bill no. 450, ninetieth general assembly, first regular session, section 393.921 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house bill no. 450, ninetieth general assembly, first regular session, section 441.236 as enacted by house substitute for house committee substitute for senate substitute for senate committee substitute for senate bills nos. 89 & 37, ninety-first general assembly, first regular session, section 470.270 as enacted by conference committee substitute for house substitute for house committee substitute for senate

substitute for senate bill no. 1248, ninety-first general assembly, second regular session, section 565.082 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 62, ninety-fifth general assembly, first regular session, section 644.031 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house bill no. 450, ninetieth general assembly, first regular session, and section 644.568 as enacted by house substitute for house committee substitute for senate substitute for senate committee substitute for senate bills nos. 160 & 82, ninetieth general assembly, first regular session, and to enact in lieu thereof four new sections for the sole purpose of repealing statutes with multiple versions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 358**, entitled:

An Act to repeal sections 86.252, 86.255, 86.256, 86.294, and 86.354, RSMo, and to enact in lieu thereof six new sections relating to police retirement.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 360**, entitled:

An Act to repeal section 70.695, RSMo, and to enact in lieu thereof one new section relating to the Missouri local government employees' retirement system.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 459**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of the new Mississippi River bridge.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 465**, entitled:

An Act to repeal sections 370.100, 370.157, 370.310, 370.320, 370.353, and 370.359, RSMo, and to enact in lieu thereof thirteen new sections relating to credit unions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 250**; **SCS** for **SB 17**; **SB 220**; **SCS** for **SB 131**; **SS** for **SB 306**; and **SCS** for **SB 162**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senator Ridgeway offered Senate Resolution No. 562, regarding Elliott Kiefer, Liberty, which was adopted.

Senator Ridgeway offered Senate Resolution No. 563, regarding Jacob Manka, Smithville, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Kehoe introduced to the Senate, Morgan County Treasurer Louella Pryor, Moniteau County Treasurer Sarah Jones and members of the Missouri County Treasurers Association.

Senator Callahan introduced to the Senate, David and Laura Bower, and their sons, Scott and Seth, Independence.

Senator Mayer introduced to the Senate, Mrs. Lisa Burkhalter, Heather King, Lauren Hickson, Logan Blackburn, Dennis Amos, D'Erica Rucker, Layla Russell, Cierra Lott and Josiah Gouldman, members of the Clarkton High School Student Council.

Senator Dixon introduced to the Senate, Lacey Nunnally, Donna Washburn, Keith Ray Mackie, Maria Beckett, Britani Benoit, Anna Higley, Melissa Weinkauff, Christine Hannan, Loree Lynn Kinsella, Megan Kirsh, Rachel Roy, Andrew Hanks, Alyssa Miller and Logan Seebach, Evangel University; and Alyssa and Logan were made honorary pages.

Senator Schaaf introduced to the Senate, former State Senator Marvin Singleton and Mitch and Barbara Singleton, Fayetteville, Arkansas.

Senator Kehoe introduced to the Senate, teachers Sherry Holland, Kim Pragman, Heather Dixon and seventy-six fourth grade students from Blair Oaks Elementary School, Wardsville.

Senator Lager introduced to the Senate, Tana Snyder and twelfth grade students from Maysville R-I High School.

Senator Nieves introduced to the Senate, Jedidiah Smith and students from Cornerstone Baptist Academy, St. Clair.

Senator McKenna introduced to the Senate, students from Windsor High School, Imperial.

On behalf of himself and Senators Green, Chappelle-Nadal and Rupp, Senator Keaveny introduced to the Senate, Stephanie Kraus, Catrell Churchman, Victor Whittier and Christopher Howard, representatives

of Shearwater Education Foundation, St. Louis; and Catrell, Victor and Christopher were made honorary pages.

On behalf of Senator Schmitt, the President introduced to the Senate, Troy Walton, Edwardsville, Illinois.

Senator Lamping introduced to the Senate, former State Senator Betty Sims, Ladue, and her grandchildren, Morgan, Liam and Sophia Weber, St. Louis; and Morgan, Liam and Sophia were made honorary pages.

Senator Kraus introduced to the Senate, Yvonne and Rick Foreman, Lee's Summit; and Kendall Foreman, Hawaii.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-NINTH DAY—THURSDAY, MARCH 17, 2011

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 209-Guernsey, et al	HB 151-Kelly (24) and Mollendorp
HB 107-Smith (150), et al	HB 153-Black, et al
HCS for HB 205	HB 171-Ruzicka, et al
HCS for HB 76	HB 184-Dugger
HCS for HBs 276, 233 & 274	HB 186-Entlicher, et al
HCS for HBs 116 & 316	HB 189-Ruzicka
HCS for HB 136	HB 190-Ruzicka
HCS for HB 214	HB 204-Hoskins, et al
HCS for HB 61	HCS for HB 250
HCS for HB 108	HB 217-Dugger and Entlicher
HCS for HB 174	HCS for HB 338
HCS for HBs 112 & 285	HCS for HB 363
HCS for HB 266	HB 415-Richardson, et al
HB 339-Pollock, et al	HB 442-Franz
HB 167-Nolte, et al	HB 229-Curls and Leara
HJR 2-McGhee, et al	HB 282-Franz
HCS for HB 83	HCS for HB 315
HB 109-Wells, et al	HB 358-Leara and Colona
HB 137-Thomson, et al	HB 360-Leara
HB 142-Gatschenberger	HCS for HB 459
HB 149-Day, et al	HCS for HB 465

THIRD READING OF SENATE BILLS

- | | |
|---|-------------------------------|
| 1. SCS for SB 11-McKenna
(In Fiscal Oversight) | 7. SB 145-Dempsey |
| 2. SB 173-Dixon and Kehoe | 8. SB 250-Kehoe |
| 3. SCS for SB 163-Pearce | 9. SCS for SB 17-Lembke |
| 4. SB 161-Munzlinger | 10. SB 220-Wasson |
| 5. SS for SB 55-Brown | 11. SCS for SB 131-Rupp |
| 6. SS#2 for SCS for SB 8-Goodman | 12. SS for SB 306-Wasson |
| | 13. SCS for SB 162-Munzlinger |

SENATE BILLS FOR PERFECTION

SB 247-Pearce	SB 36-Lembke
SB 81-Pearce, with SCS	SB 322-Schaefer
SB 54-Cunningham, with SCS	SB 29-Brown, with SCS
SB 200-Crowell	SJR 11-Munzlinger, with SCS
SB 72-Kraus	

HOUSE BILLS ON THIRD READING

HCS for HB 14, with SCS (Schaefer)	HB 15-Silvey (Schaefer)
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INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SENATE BILLS FOR PERFECTION

SBs 1 & 206-Ridgeway, with SCS & SA 1 (pending)	SB 175-Munzlinger, et al
SBs 7, 5, 74 & 169-Goodman, with SCS	SB 176-Munzlinger, et al
SB 23-Keaveny, with SCS & SS for SCS (pending)	SB 202-Crowell
SB 28-Brown	SB 203-Schmitt, et al
SB 37-Lembke, with SCS	SB 204-Dempsey, et al
SB 65-Mayer, et al, with SCS	SB 226-Engler
SB 120-Stouffer	SB 242-Cunningham, with SCS
SB 130-Rupp, with SCS & SS for SCS (pending)	SB 254-Stouffer, with SCS
	SB 278-Munzlinger, et al
	SB 280-Purgason, et al, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 163, with SCS, SS for SCS & SA 1
(pending) (Pearce)

CONSENT CALENDAR

Senate Bills

Reported 2/17

SB 57-Callahan, with SCS
SB 97-Engler

SB 96-Engler

RESOLUTIONS

Reported from Committee

SR 179-Purgason

SCR 8-Rupp

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Journal of the Senate

FIRST REGULAR SESSION

THIRTY-NINTH DAY—THURSDAY, MARCH 17, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“You who seek God, let your hearts revive.” (Psalm 69:32)

Gracious God, as we prepare to take our Spring break help us to remember You alone can truly refresh us and renew our hearts, minds and souls. Help us to be open vessels to receive Your blessings that we may be a blessing to those around us and especially those who share this time away from here. Help us to use this time for recreation and rest in You so we are prepared better to continue the work You have for us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Crowell	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

Absent—Senators—None

Absent with leave—Senators

Chappelle-Nadal McKenna—2

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Lembke offered Senate Resolution No. 564, regarding the Missouri Wing of the Civil Air Patrol, which was adopted.

Senator Curls offered Senate Resolution No. 565, regarding former State Senator Yvonne Wilson, Kansas City, which was adopted.

Senator Lager offered Senate Resolution No. 566, regarding Jacob William Ward, Trimble, which was adopted.

Senator Engler offered Senate Resolution No. 567, regarding the Ninetieth Birthday of Leamay Laplant, Desloge, which was adopted.

Senator Goodman offered Senate Resolution No. 568, regarding the death of Army Specialist Christopher Stark, Monett, which was adopted.

Senator Lembke offered Senate Resolution No. 569, regarding Karen Cordia, Fenton, which was adopted.

Senator Lembke offered Senate Resolution No. 570, regarding Erin Ludwick, Saint Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 571, regarding Alison Helmer, Saint Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 572, regarding Anna Hutchinson, Valley Park, which was adopted.

Senator Lembke offered Senate Resolution No. 573, regarding Susan Weedman, Saint Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 574, regarding Liz Murphy, Saint Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 575, regarding Jennifer Hejlik, Imperial, which was adopted.

Senator Lembke offered Senate Resolution No. 576, regarding David Tidwell, Webster Groves, which was adopted.

Senator Lembke offered Senate Resolution No. 577, regarding Kenneth E. Horvath, Imperial, which was adopted.

Senator Brown offered Senate Resolution No. 578, regarding Joan Goans, Linn, which was adopted.

THIRD READING OF SENATE BILLS

SB 173, introduced by Senators Dixon and Kehoe, entitled:

An Act to repeal section 21.920, RSMo, and to enact in lieu thereof one new section relating to the joint committee on Missouri's promise.

Was taken up by Senator Dixon.

On motion of Senator Dixon, **SB 173** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Crowell	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	Munzlinger	Nieves	Parson	Pearce	Richard	Ridgeway
Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senator Purgason—1

Absent with leave—Senators

Chappelle-Nadal McKenna—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Dixon, title to the bill was agreed to.

Senator Dixon moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SCS for **SB 163**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 163

An Act to repeal sections 172.030, 173.005, and 174.450, RSMo, and to enact in lieu thereof three new sections relating to higher education boards.

Was taken up by Senator Pearce.

On motion of Senator Pearce, **SCS** for **SB 163** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Crowell	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Chappelle-Nadal McKenna—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SB 161, introduced by Senator Munzlinger, entitled:

An Act to repeal sections 348.400, 348.407, and 348.412, RSMo, and to enact in lieu thereof three new sections relating to business development loans for agribusinesses.

Was taken up.

Senator Ridgeway assumed the Chair.

On motion of Senator Munzlinger, **SB 161** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Cunningham	Curls	Dempsey	Dixon	Goodman	Justus
Keaveny	Kehoe	Lager	Lamping	Mayer	Munzlinger	Nieves	Parson
Pearce	Richard	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—25

NAYS—Senators

Crowell	Engler	Green	Kraus	Lembke	Purgason	Ridgeway—7
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Absent—Senators—None

Absent with leave—Senators

Chappelle-Nadal McKenna—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Munzlinger, title to the bill was agreed to.

Senator Munzlinger moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SS for **SB 55**, introduced by Senator Brown, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 55

An Act to repeal section 137.016, RSMo, and to enact in lieu thereof one new section relating to classification of certain real property.

Was taken up.

On motion of Senator Brown, **SS** for **SB 55** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Crowell	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	Lembke
Mayer	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard	Ridgeway
Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—31	

NAYS—Senator Green—1

Absent—Senators—None

Absent with leave—Senators

Chappelle-Nadal McKenna—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SS No. 2 for **SCS** for **SB 8**, introduced by Senator Goodman, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 8

An Act to repeal sections 287.067, 287.120, and 287.150, RSMo, and to enact in lieu thereof three new sections relating to workers' compensation.

Was taken up.

On motion of Senator Goodman, **SS No. 2** for **SCS** for **SB 8** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Crowell	Cunningham	Curls	Dempsey	Dixon	Engler	Goodman
Justus	Kehoe	Kraus	Lager	Lamping	Lembke	Mayer	Munzlinger
Nieves	Parson	Pearce	Purgason	Richard	Ridgeway	Rupp	Schaaf
Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—29			

NAYS—Senators

Callahan Green Keaveny—3

Absent—Senators—None

Absent with leave—Senators

Chappelle-Nadal McKenna—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SB 145, introduced by Senator Dempsey, entitled:

An Act to repeal section 55.030, RSMo, and to enact in lieu thereof one new section relating to county inventory.

Was taken up.

On motion of Senator Dempsey, **SB 145** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Crowell	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Chappelle-Nadal McKenna—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Dempsey, title to the bill was agreed to.

Senator Dempsey moved that the vote by which the bill passed be reconsidered.

Senator Mayer moved that motion lay on the table, which motion prevailed.

SB 250, introduced by Senator Kehoe, entitled:

An Act to repeal sections 566.147 and 589.040, RSMo, and to enact in lieu thereof two new sections relating to requirements for persons convicted of sexual assault offenses, with penalty provisions.

Was taken up.

On motion of Senator Kehoe, **SB 250** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Crowell	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Chappelle-Nadal McKenna—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Kehoe, title to the bill was agreed to.

Senator Kehoe moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SCS for **SB 17**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 17

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to cord blood banking.

Was taken up by Senator Lembke.

On motion of Senator Lembke, **SCS** for **SB 17** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Crowell	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Chappelle-Nadal McKenna—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Lembke, title to the bill was agreed to.

Senator Lembke moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SB 220, introduced by Senator Wasson, entitled:

An Act to repeal section 429.015, RSMo, and to enact in lieu thereof one new section relating to liens

for architects, professional engineers, land surveyors, and landscape architects.

Was taken up.

On motion of Senator Wasson, **SB 220** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Crowell	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Chappelle-Nadal McKenna—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SCS for **SB 131**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 131

An Act to repeal section 643.315, RSMo, and to enact in lieu thereof one new section relating to exempting qualified plug-in electric drive vehicles from the motor vehicle emissions inspection program.

Was taken up by Senator Rupp.

On motion of Senator Rupp, **SCS** for **SB 131** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Crowell	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Chappelle-Nadal McKenna—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SS for **SB 306**, introduced by Senator Wasson, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 306

An Act to repeal sections 370.100, 370.157, 370.310, 370.320, 370.353, and 370.359, RSMo, and to enact in lieu thereof thirteen new sections relating to credit unions, with penalty provisions.

Was taken up.

On motion of Senator Wasson, **SS** for **SB 306** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Crowell	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Chappelle-Nadal McKenna—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SCS for **SB 162**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 162

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to the farm-to-table advisory board, with an expiration date for a certain section.

Was taken up by Senator Munzlinger.

On motion of Senator Munzlinger, **SCS** for **SB 162** was read the 3rd time and passed by the following

vote:

YEAS—Senators

Brown	Callahan	Cunningham	Curls	Dempsey	Dixon	Goodman	Justus
Keaveny	Kehoe	Lager	Lamping	Mayer	Munzlinger	Parson	Pearce
Richard	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—24

NAYS—Senators

Crowell	Engler	Green	Kraus	Lembke	Nieves	Purgason	Ridgeway—8
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Absent—Senators—None

Absent with leave—Senators

Chappelle-Nadal McKenna—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Munzlinger, title to the bill was agreed to.

Senator Munzlinger moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

President Pro Tem Mayer assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Ridgeway, Chairman of the Committee on Health, Mental Health, Seniors and Families, submitted the following reports:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 118**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 177**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Purgason, Chairman of the Committee on Ways and Means and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Ways and Means and Fiscal Oversight, to which was referred **SB 241**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Engler, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 323**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Goodman, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence,

submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 59**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 60**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 70**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 165**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 116**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 10**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Lager, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 9**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 208**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 209**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Cunningham, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **SJR 15**, begs leave to report

that it has considered the same and recommends that the joint resolution do pass.

Senator Pearce, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 147**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Lembke, Chairman of the Committee on Governmental Accountability, submitted the following report:

Mr. President: Your Committee on Governmental Accountability, to which was referred **SJR 10**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Schmitt, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 390**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 189**, **SB 217**, **SB 246**, **SB 252** and **SB 79**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 231**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 25**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Munzlinger, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 356**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 368**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS No. 2** for **SCS** for **SB 62** and **SB 282**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 127**, entitled:

An Act to repeal section 57.970, RSMo, and to enact in lieu thereof one new section relating to the sheriffs' retirement system.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HJR 6**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, and adopting one new section relating to guaranteeing the right to vote by secret ballot.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HJR 29**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 39(b) of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the state lottery.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Senator Ridgeway assumed the Chair.

HOUSE BILLS ON SECOND READING

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

HB 209—Agriculture, Food Production and Outdoor Resources.

HB 107—Financial and Governmental Organizations and Elections.

HCS for HB 205—Commerce, Consumer Protection, Energy and the Environment.

HCS for HB 76—Jobs, Economic Development and Local Government.

HCS for HBs 276, 233 and 274—Judiciary and Civil and Criminal Jurisprudence.

HCS for HBs 116 and 316—Ways and Means and Fiscal Oversight.

HCS for HB 136—Financial and Governmental Organizations and Elections.

HCS for HB 214—Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 61—Small Business, Insurance and Industry.

HCS for HB 108—Rules, Joint Rules, Resolutions and Ethics.

HCS for HB 174—Education.

HCS for HBs 112 and 285—Agriculture, Food Production and Outdoor Resources.

HCS for HB 266—Transportation.

HB 339—Commerce, Consumer Protection, Energy and the Environment.

HB 167—General Laws.

HJR 2—General Laws.

COMMUNICATIONS

President Pro Tem Mayer submitted the following:

March 17, 2011

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Kiki Curls to the Joint Committee on Capital Improvements to replace Senator Jolie Justus.

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Stouffer introduced to the Senate, Janelle Doza and fourth grade students from New Franklin Elementary School.

Senator Engler introduced to the Senate, Erin Petersen, St. Louis.

Senator Kehoe introduced to the Senate, Milena Fein, Muenchberg, Germany; Andy Small, California; and Anne Rottmann, Jefferson City.

Senator Schaefer introduced to the Senate, representatives of Freedom Scholars, Homeschoolers from the Nineteenth Senatorial District.

On behalf of Senator Mayer, the President introduced to the Senate, Lugenia Counce, Kara and Gavin Kingston, Trina Hollomon, Patricia Gibbens, Lisa Griffin, Katie Houston; and Lillie Hollomon, Dallas Richardson, Alijah Veasley, Coltin Griffin, Kayla Rodgers, Melissa Ibarra, Payton Gibbens, Mya Young, Kelsey Kingston, Morgan Stansell and Marneasha Wiley, fourth grade students from Caruthersville

Elementary School; and Mya, Kelsey, Morgan and Marneasha were made honorary pages.

On motion of Senator Dempsey, the Senate adjourned until 10:30 a.m., Friday, March 25, 2011.

SENATE CALENDAR

FORTIETH DAY—FRIDAY, MARCH 25, 2011

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 83
HB 109-Wells, et al
HB 137-Thomson, et al
HB 142-Gatschenberger
HB 149-Day, et al
HB 151-Kelly (24) and Mollendorp
HB 153-Black, et al
HB 171-Ruzicka, et al
HB 184-Dugger
HB 186-Entlicher, et al
HB 189-Ruzicka
HB 190-Ruzicka
HB 204-Hoskins, et al
HCS for HB 250
HB 217-Dugger and Entlicher

HCS for HB 338
HCS for HB 363
HB 415-Richardson, et al
HB 442-Franz
HB 229-Curls and Leara
HB 282-Franz
HCS for HB 315
HB 358-Leara and Colona
HB 360-Leara
HCS for HB 459
HCS for HB 465
HB 127-Barnes
HJR 6-Cierpiot, et al
HJR 29-Solon, et al

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna
(In Fiscal Oversight)

SS#2 for SCS for SB 62-Schaaf
SB 282-Engler

SENATE BILLS FOR PERFECTION

1. SB 247-Pearce
2. SB 81-Pearce, with SCS

3. SB 54-Cunningham, with SCS
4. SB 200-Crowell

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|--------------------------------|--|
| 5. SB 72-Kraus | 19. SB 10-Rupp |
| 6. SB 36-Lembke | 20. SB 9-Rupp |
| 7. SB 322-Schaefer | 21. SB 208-Lager |
| 8. SB 29-Brown, with SCS | 22. SB 209-Lager |
| 9. SJR 11-Munzlinger, with SCS | 23. SJR 15-Nieves, et al |
| 10. SB 118-Stouffer | 24. SB 147-Schaefer |
| 11. SB 177-Brown, with SCS | 25. SJR 10-Lembke and Green |
| 12. SB 241-Brown and Wasson | 26. SB 390-Schmitt, et al |
| 13. SB 323-Schaefer, with SCS | 27. SBs 189, 217, 246, 252 & 79-Schmitt,
with SCS |
| 14. SB 59-Keaveny | 28. SB 231-Lager, et al |
| 15. SB 60-Keaveny, with SCS | 29. SB 25-Schaaf, with SCS |
| 16. SB 70-Schaefer, with SCS | 30. SB 356-Munzlinger, with SCS |
| 17. SB 165-Goodman, with SCS | 31. SB 368-Stouffer, with SCS |
| 18. SB 116-Justus | |

HOUSE BILLS ON THIRD READING

HCS for HB 14, with SCS (Schaefer)

HB 15-Silvey (Schaefer)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SENATE BILLS FOR PERFECTION

- | | |
|--|----------------------------------|
| SBs 1 & 206-Ridgeway, with SCS & SA 1
(pending) | SB 175-Munzlinger, et al |
| SBs 7, 5, 74 & 169-Goodman, with SCS | SB 176-Munzlinger, et al |
| SB 23-Keaveny, with SCS & SS for SCS
(pending) | SB 202-Crowell |
| SB 28-Brown | SB 203-Schmitt, et al |
| SB 37-Lembke, with SCS | SB 204-Dempsey, et al |
| SB 65-Mayer, et al, with SCS | SB 226-Engler |
| SB 120-Stouffer | SB 242-Cunningham, with SCS |
| SB 130-Rupp, with SCS & SS for SCS
(pending) | SB 254-Stouffer, with SCS |
| | SB 278-Munzlinger, et al |
| | SB 280-Purgason, et al, with SCS |

HOUSE BILLS ON THIRD READING

HCS for HB 163, with SCS, SS for SCS &
SA 1 (pending) (Pearce)

CONSENT CALENDAR

Senate Bills

Reported 2/17

SB 57-Callahan, with SCS
SB 97-Engler

SB 96-Engler

RESOLUTIONS

Reported from Committee

SR 179-Purgason

SCR 8-Rupp

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Journal of the Senate

FIRST REGULAR SESSION

FORTIETH DAY—FRIDAY, MARCH 25, 2011

The Senate met pursuant to adjournment.

Senator Kehoe in the Chair.

RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 579, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Junior Henley, Sweet Springs, which was adopted.

Senator Stouffer offered Senate Resolution No. 580, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lewis Roberts, which was adopted.

On behalf of Senator Munzlinger, Senator Kehoe offered Senate Resolution No. 581, regarding the Fortieth Anniversary of the LaGrange Lions Club, which was adopted.

On behalf of Senator Munzlinger, Senator Kehoe offered Senate Resolution No. 582, regarding Justin McCollum, Vandalia, which was adopted.

On behalf of Senator Munzlinger, Senator Kehoe offered Senate Resolution No. 583, regarding Sarah Yates, Vandalia, which was adopted.

On behalf of Senators Keaveny and Wright-Jones, Senator Kehoe offered Senate Resolution No. 584, regarding the death of Francis R. Slay, St. Louis, which was adopted.

On behalf of Senator Wright-Jones, Senator Kehoe offered Senate Resolution No. 585, regarding the Missouri Girls State program of the American Legion Auxiliary, which was adopted.

On behalf of Senator Wright-Jones, Senator Kehoe offered Senate Resolution No. 586, regarding the One Hundred First Birthday of Julia Johnson, St. Louis, which was adopted.

Senator Kehoe offered Senate Resolution No. 587, regarding Linda “Lynn” Gerhart, California, which was adopted.

On behalf of Senator Schmitt, Senator Kehoe offered Senate Resolution No. 588, regarding the Twenty-fifth Anniversary of Saint Louis Crisis Nursery, St. Louis, which was adopted.

On behalf of Senator Schmitt, Senator Kehoe offered Senate Resolution No. 589, regarding Brian

Richard Jacobi, Manchester, which was adopted.

On behalf of Senator Crowell, Senator Kehoe offered Senate Resolution No. 590, regarding the Class 4 State Champion Sikeston R-VI High School Boys Basketball Team, which was adopted.

On behalf of Senator Crowell, Senator Kehoe offered Senate Resolution No. 591, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ronnie Ray Chappell, which was adopted.

On behalf of Senator Nieves, Senator Kehoe offered Senate Resolution No. 592, regarding Dallin M. Robinson, Wildwood, which was adopted.

On behalf of Senator Nieves, Senator Kehoe offered Senate Resolution No. 593, regarding Evan W. Robinson, Wildwood, which was adopted.

On behalf of Senator Lager, Senator Kehoe offered Senate Resolution No. 594, regarding the Ninetieth Birthday of Annabel Baugher, Trenton, which was adopted.

Senator Stouffer offered Senate Resolution No. 595, regarding Lindsey Kay Walker, Kearney, which was adopted.

Senator Stouffer offered Senate Resolution No. 596, regarding Adriel Marie Benningfield, Kearney, which was adopted.

On behalf of Senator Nieves, Senator Kehoe offered Senate Resolution No. 597, regarding Jacob Schultz, Villa Ridge, which was adopted.

On behalf of Senator Engler, Senator Kehoe offered Senate Resolution No. 598, regarding Theodore “Ted” Miller, Farmington, which was adopted.

On behalf of Senator Munzlinger, Senator Kehoe offered Senate Resolution No. 599, regarding the 2010-2011 Class I State Champion Marion County High School girls basketball program, which was adopted.

On motion of Senator Stouffer, the Senate adjourned until 4:00 p.m., Monday, March 28, 2011.

SENATE CALENDAR

FORTY-FIRST DAY—MONDAY, MARCH 28, 2011

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 83
HB 109-Wells, et al
HB 137-Thomson, et al
HB 142-Gatschenberger

HB 149-Day, et al
HB 151-Kelly (24) and Mollendorp
HB 153-Black, et al
HB 171-Ruzicka, et al

HB 184-Dugger
HB 186-Entlicher, et al
HB 189-Ruzicka
HB 190-Ruzicka
HB 204-Hoskins, et al
HCS for HB 250
HB 217-Dugger and Entlicher
HCS for HB 338
HCS for HB 363
HB 415-Richardson, et al
HB 442-Franz

HB 229-Curls and Leara
HB 282-Franz
HCS for HB 315
HB 358-Leara and Colona
HB 360-Leara
HCS for HB 459
HCS for HB 465
HB 127-Barnes
HJR 6-Cierpiot, et al
HJR 29-Solon, et al

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna (In Fiscal Oversight) SB 282-Engler
SS#2 for SCS for SB 62-Schaaf

SENATE BILLS FOR PERFECTION

- | | |
|--------------------------------|--|
| 1. SB 247-Pearce | 17. SB 165-Goodman, with SCS |
| 2. SB 81-Pearce, with SCS | 18. SB 116-Justus |
| 3. SB 54-Cunningham, with SCS | 19. SB 10-Rupp |
| 4. SB 200-Crowell | 20. SB 9-Rupp |
| 5. SB 72-Kraus | 21. SB 208-Lager |
| 6. SB 36-Lembke | 22. SB 209-Lager |
| 7. SB 322-Schaefer | 23. SJR 15-Nieves, et al |
| 8. SB 29-Brown, with SCS | 24. SB 147-Schaefer |
| 9. SJR 11-Munzlinger, with SCS | 25. SJR 10-Lembke and Green |
| 10. SB 118-Stouffer | 26. SB 390-Schmitt, et al |
| 11. SB 177-Brown, with SCS | 27. SBs 189, 217, 246, 252 & 79-Schmitt,
with SCS |
| 12. SB 241-Brown and Wasson | 28. SB 231-Lager, et al |
| 13. SB 323-Schaefer, with SCS | 29. SB 25-Schaaf, with SCS |
| 14. SB 59-Keaveny | 30. SB 356-Munzlinger, with SCS |
| 15. SB 60-Keaveny, with SCS | 31. SB 368-Stouffer, with SCS |
| 16. SB 70-Schaefer, with SCS | |

HOUSE BILLS ON THIRD READING

HCS for HB 14, with SCS (Schaefer) HB 15-Silvey (Schaefer)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SENATE BILLS FOR PERFECTION

SBs 1 & 206-Ridgeway, with SCS & SA 1

(pending)

SBs 7, 5, 74 & 169-Goodman, with SCS

SB 23-Keaveny, with SCS & SS for SCS

(pending)

SB 28-Brown

SB 37-Lembke, with SCS

SB 65-Mayer, et al, with SCS

SB 120-Stouffer

SB 130-Rupp, with SCS & SS for SCS

(pending)

SB 175-Munzlinger, et al

SB 176-Munzlinger, et al

SB 202-Crowell

SB 203-Schmitt, et al

SB 204-Dempsey, et al

SB 226-Engler

SB 242-Cunningham, with SCS

SB 254-Stouffer, with SCS

SB 278-Munzlinger, et al

SB 280-Purgason, et al, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 163, with SCS, SS for SCS & SA 1

(pending) (Pearce)

CONSENT CALENDAR

Senate Bills

Reported 2/17

SB 57-Callahan, with SCS

SB 97-Engler

SB 96-Engler

RESOLUTIONS

Reported from Committee

SR 179-Purgason

SCR 8-Rupp

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Journal of the Senate

FIRST REGULAR SESSION

FORTY-FIRST DAY—MONDAY, MARCH 28, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Be glad and rejoice forever in what I am creating.” (Isaiah 65:18)

Gracious Father, we are grateful for the time away from here that has allowed us re-creating our minds and bodies so that we might be revigorated and energized for what is ahead. We thank You for the nourishment of Your word for our souls that we might always be mindful of what is important to You in the work we are to accomplish and priorities You have for us.

And Lord, we are thankful for before You blessed are Your saints who have died. And we pray that You will be an abiding presence to Senator Brown and his family at the death of his mother and You will provide comfort and peace to them in their grief. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journals for Thursday, March 17, 2011 and Friday, March 25, 2011 were read and approved.

Senator Dempsey announced that photographers from KOMU-TV and Missouri News Horizon were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Crowell	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Chappelle-Nadal—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Schmitt offered Senate Resolution No. 600, regarding the One Hundredth Birthday of Ruth I. Hendrickson, Fenton, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 601, regarding the death of Patrice Dionne Thimes, St. Louis, which was adopted.

Senator Richard offered Senate Resolution No. 602, regarding Joshua Ryan Fox, which was adopted.

Senator Curls offered Senate Resolution No. 603, regarding Montrai Spikes, Kansas City, which was adopted.

Senator Engler offered Senate Resolution No. 604, regarding Kimberly Collins, Ellsinore, which was adopted.

Senator Schaefer offered Senate Resolution No. 605, regarding Daniel J. Moser, Columbia, which was adopted.

Senator Nieves offered Senate Resolution No. 606, regarding Nola Ewers, Wildwood, which was adopted.

Senator Dixon offered Senate Resolution No. 607, regarding Ronald Hoover, Casper, Wyoming, which was adopted.

Senator Dixon offered Senate Resolution No. 608, regarding Archie McCourt, Bergholz, Ohio, which was adopted.

Senator Crowell offered Senate Resolution No. 609, regarding the 2010-2011 State Champion Scott County Central High School boys basketball program, which was adopted.

Senator Dixon offered Senate Resolution No. 610, regarding John R. Twitty, Springfield, which was adopted.

Senator Engler offered Senate Resolution No. 611, regarding Kallie Mae Middleton, Vulcan, which was adopted.

Senator Engler offered Senate Resolution No. 612, regarding Wilma Buffington Bedell Ball, which was adopted.

Senator Purgason offered Senate Resolution No. 613, regarding Susan Leslie, which was adopted.

Senator Purgason offered Senate Resolution No. 614, regarding Janice L. Drover, which was adopted.

CONCURRENT RESOLUTIONS

Senator Schaaf offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 12

WHEREAS, atrial fibrillation (AFib) is the most common serious heart rhythm disorder and causes 15 percent of all strokes in the United States; and

WHEREAS, AFib affects more than 2.3 million Americans and is expected to more than double to 5.6 million Americans by 2050; and
WHEREAS, one in four people aged 40 years or older develop AFib during their lifetime; and

WHEREAS, AFib causes the heart to beat irregularly or out of rhythm. As a result, people with AFib are nearly five times more likely to have a stroke than someone without the condition. In addition, AFib-related strokes are about twice as likely to be fatal and about twice as likely to be severely disabling than strokes that are not related to AFib; and

WHEREAS, three out of four AFib-related strokes can be prevented, but many patients are not aware of their risk and do not take action to prevent stroke; and

WHEREAS, the estimated direct medical cost of stroke for 2007 was \$25.2 billion. This includes hospital outpatient or office-based provider visits, hospital inpatient stays, emergency room visits, prescribed medicines, and home health; and

WHEREAS, appropriate stroke prevention in AFib can effectively reduce the overall financial burden of the illness within public programs such as Medicaid and Medicare; and

WHEREAS, reducing the risk of stroke related to AFib may maintain self sufficiency on the part of patients cared for within public programs:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-sixth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the MO HealthNet Division to pursue the feasibility of implementing a program to assess chronic disease management of stroke prevention in atrial fibrillation using available general appropriations and/or private sources of funding in an effort to identify opportunities to reduce the financial and clinical burden of AFib-related strokes upon Missouri, and public programs including Medicare and Medicaid; and

BE IT FURTHER RESOLVED that at the conclusion of such an assessment, a report of findings and recommendations be prepared and provided to the General Assembly by December 31, 2011, so that it can evaluate the effectiveness of the current quality of care within public programs including Medicare and Medicaid and in providing recommendations for improved health and well being of the affected patients; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to send properly inscribed copies of this resolution to the director of the MO HealthNet Division.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 213**, entitled:

An Act to repeal sections 188.015, 188.029, and 188.030, RSMo, and to enact in lieu thereof two new sections relating to abortion, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 294, 123, 125, 113, 271 and 215**, entitled:

An Act to repeal sections 407.500, 407.505, 571.020, 571.030, 571.101, 571.107, and 571.117, RSMo, and to enact in lieu thereof eleven new sections relating to firearms, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 252**, entitled:

An Act to amend chapter 537, RSMo, by adding thereto three new sections relating to business premises safety.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 731**, entitled:

An Act to repeal section 589.407, RSMo, and to enact in lieu thereof two new sections relating to possible deportation of aliens who are listed in the state sexual offender registry.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 431**, entitled:

An Act to repeal sections 210.112, 210.498, 210.565, and 210.566, RSMo, and to enact in lieu thereof seven new sections relating to foster care and adoption promotion.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 89**, entitled:

An Act to repeal sections 253.090, 644.036, and 644.054, RSMo, and to enact in lieu thereof three new sections relating to funding for the department of natural resources, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 29**, entitled:

An Act to amend chapter 191, RSMo, by adding thereto seven new sections relating to the volunteer health services act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 361**, entitled:

An Act to amend chapter 21, RSMo, by adding thereto one new section relating to the Missouri firearms freedom act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

March 25, 2011

To the Senate of the 96th General Assembly for the State of Missouri:

The following addendum should be made to the appointment of Eric Latimer for the Missouri Fire Safety Advisory Board submitted to you on February 16, 2011:

Eric Latimer, 625 E. Loren, Springfield, Greene County, Missouri 65807, as a member of

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

President Pro Tem Mayer referred the above addendum to the Committee on Gubernatorial Appointments.

The Senate observed a moment of silence in memory of Mrs. Thelma Brown and former Speaker Pro Tem Mark Abel.

SENATE BILLS FOR PERFECTION

Senator Engler moved that **SB 226** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Stouffer assumed the Chair.

Senator Engler offered **SS** for **SB 226**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 226

An Act to repeal sections 190.035 and 190.040, RSMo, and to enact in lieu thereof three new sections relating to ambulance districts.

Senator Engler moved that **SS** for **SB 226** be adopted, which motion prevailed.

On motion of Senator Engler, **SS** for **SB 226** was declared perfected and ordered printed.

Senator Pearce moved that **SB 247** be taken up for perfection, which motion prevailed.

Senator Pearce offered **SS** for **SB 247**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 247

An Act to repeal sections 163.011, 163.031, 163.036, and 163.037, RSMo, and to enact in lieu thereof three new sections relating to state funding for elementary and secondary education, with an emergency clause for certain sections and an effective date for certain sections.

Senator Pearce moved that **SS** for **SB 247** be adopted.

At the request of Senator Pearce, **SB 247**, with **SS** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SB 226**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

INTRODUCTIONS OF GUESTS

Senator Munzlinger introduced to the Senate, former Florida Attorney General Bill McCollum.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-SECOND DAY—TUESDAY, MARCH 29, 2011

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 83
HB 109-Wells, et al
HB 137-Thomson, et al
HB 142-Gatschenberger
HB 149-Day, et al
HB 151-Kelly (24) and Mollendorp
HB 153-Black, et al
HB 171-Ruzicka, et al
HB 184-Dugger
HB 186-Entlicher, et al
HB 189-Ruzicka
HB 190-Ruzicka
HB 204-Hoskins, et al

HCS for HB 250
HB 217-Dugger and Entlicher
HCS for HB 338
HCS for HB 363
HB 415-Richardson, et al
HB 442-Franz
HB 229-Curls and Leara
HB 282-Franz
HCS for HB 315
HB 358-Leara and Colona
HB 360-Leara
HCS for HB 459
HCS for HB 465

HB 127-Barnes	HB 731-Parkinson, et al
HJR 6-Cierpiot, et al	HCS for HB 431
HJR 29-Solon, et al	HCS for HB 89
HCS for HB 213	HCS for HB 29
HCS for HBs 294, 123, 125, 113, 271 & 215	HB 361-Leara
HB 252-Cox, et al	

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna (In Fiscal Oversight)	SB 282-Engler
SS#2 for SCS for SB 62-Schaaf	SS for SB 226-Engler

SENATE BILLS FOR PERFECTION

1. SB 81-Pearce, with SCS	17. SB 116-Justus
2. SB 54-Cunningham, with SCS	18. SB 10-Rupp
3. SB 200-Crowell	19. SB 9-Rupp
4. SB 72-Kraus	20. SB 208-Lager
5. SB 36-Lembke	21. SB 209-Lager
6. SB 322-Schaefer	22. SJR 15-Nieves, et al
7. SB 29-Brown, with SCS	23. SB 147-Schaefer
8. SJR 11-Munzlinger, with SCS	24. SJR 10-Lembke and Green
9. SB 118-Stouffer	25. SB 390-Schmitt, et al
10. SB 177-Brown, with SCS	26. SBs 189, 217, 246, 252 & 79-Schmitt, with SCS
11. SB 241-Brown and Wasson	27. SB 231-Lager, et al
12. SB 323-Schaefer, with SCS	28. SB 25-Schaaf, with SCS
13. SB 59-Keaveny	29. SB 356-Munzlinger, with SCS
14. SB 60-Keaveny, with SCS	30. SB 368-Stouffer, with SCS
15. SB 70-Schaefer, with SCS	
16. SB 165-Goodman, with SCS	

HOUSE BILLS ON THIRD READING

HCS for HB 14, with SCS (Schaefer)	HB 15-Silvey (Schaefer)
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INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SENATE BILLS FOR PERFECTION

SBs 1 & 206-Ridgeway, with SCS & SA 1 (pending)	SB 175-Munzlinger, et al
SBs 7, 5, 74 & 169-Goodman, with SCS	SB 176-Munzlinger, et al
SB 23-Keaveny, with SCS & SS for SCS (pending)	SB 202-Crowell
SB 28-Brown	SB 203-Schmitt, et al
SB 37-Lembke, with SCS	SB 204-Dempsey, et al
SB 65-Mayer, et al, with SCS	SB 242-Cunningham, with SCS
SB 120-Stouffer	SB 247-Pearce, with SS (pending)
SB 130-Rupp, with SCS & SS for SCS (pending)	SB 254-Stouffer, with SCS
	SB 278-Munzlinger, et al
	SB 280-Purgason, et al, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 163, with SCS, SS for SCS &
SA 1 (pending) (Pearce)

CONSENT CALENDAR

Senate Bills

Reported 2/17

SB 57-Callahan, with SCS	SB 96-Engler
SB 97-Engler	

RESOLUTIONS

Reported from Committee

SR 179-Purgason	SCR 8-Rupp
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To be Referred

SCR 12-Schaaf

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Journal of the Senate

FIRST REGULAR SESSION

FORTY-SECOND DAY—TUESDAY, MARCH 29, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Place me where you will and use me according to your wisdom. I am in your hand as your servant ready to do all that you command.”
(Thomas a Kempis)

Gracious God, we are here to serve not ourselves but the people whom You have given us to care for. Let us always be mindful that the demands and responsibilities we feel come as a result of the many blessings which You have given us and may we always use them in service to Your people and the caring one for another required of us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Dempsey announced that photographers from Missouri News Horizon were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Schaefer offered Senate Resolution No. 615, regarding Benjamin M. Loftin, Ashland, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 616, regarding the Honorable John “Jack” Agnew, Dellwood, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 617, regarding Dan Chapman, Saint Charles, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 618, regarding Rita Bovinett, Dellwood, which was adopted.

Senator Dempsey offered Senate Resolution No. 619, regarding Patriot Machine, Inc., Saint Charles, which was adopted.

Senator Dempsey offered Senate Resolution No. 620, regarding The Boys & Girls Clubs of Missouri, which was adopted.

Senator Parson offered Senate Resolution No. 621, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Gary Dooley, Pleasant Hope, which was adopted.

Senator Lembke offered Senate Resolution No. 622, regarding Debbie Staufenbiel, Arnold, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Munzlinger moved that **SB 175** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Schmitt assumed the Chair.

Senator Pearce assumed the Chair.

Senator Callahan offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 175, Page 1, Section A, Line 4, by inserting after all of said line the following:

“34.056. 1. No public body shall enter into a public works contract, as defined in section 34.058, with any company if it has been proven that within the past five years such company has violated section 285.503.

2. As used in this section, “public body” means the state of Missouri or any public officer, official, authority, board, or commission of the state, or other political subdivision thereof, or any institution supported in whole or in part by public funds.”; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted.

At the request of Senator Munzlinger, **SB 175**, with **SA 1** (pending), was placed on the Informal Calendar.

On motion of Senator Dempsey, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Ridgeway.

RESOLUTIONS

Senator Justus offered Senate Resolution No. 623, regarding Jack Cooper Transport, Kansas City, which was adopted.

Senator McKenna offered Senate Resolution No. 624, regarding the death of Mark C. Abel, Festus, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 625, regarding the death of Helen Wallace Fox, which was adopted.

Senator Engler offered Senate Resolution No. 626, regarding Jo A. Govreau, which was adopted.

Senator Engler offered Senate Resolution No. 627, regarding Cindy Marie Danieley, which was adopted.

Senator Engler offered Senate Resolution No. 628, regarding Steven Nausley, which was adopted.

Senator Engler offered Senate Resolution No. 629, regarding Edwin Edwards, which was adopted.

Senator Engler offered Senate Resolution No. 630, regarding Kathleen Wiesehan, which was adopted.

Senator Engler offered Senate Resolution No. 631, regarding Judith Janos, which was adopted.

Senator Mayer offered Senate Resolution No. 632, regarding Three Rivers Community College, which was adopted.

Senator Cunningham offered Senate Resolution No. 633, regarding Carolyn Marty, Florissant, which was adopted.

Senator Cunningham offered Senate Resolution No. 634, regarding the Honorable Douglas R. Beach, Chesterfield, which was adopted.

Senator Cunningham offered Senate Resolution No. 635, regarding Scott Schneider, St. Charles, which was adopted.

Senator Cunningham offered Senate Resolution No. 636, regarding Bob Gianino, Florissant, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 637, regarding Amber Dale Russo, Arnold, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 638, regarding Marissa Christine Buechel, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 639, regarding Megan Elizabeth Buechel, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 640, regarding Grace Lenden Ahlering, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 641, regarding Teresa Margaret Boschert, St. Charles, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 642, regarding Danielle Nicole Cicka, Ballwin, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 643, regarding Catherine Ann Dillon, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 644, regarding Kathleen Kinsella Dorr, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 645, regarding Alexandra Gantt, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 646, regarding Sonja Glaser, Wildwood, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 647, regarding Erin McDonald Guthrie, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 648, regarding Claire Heckenkamp, Affton, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 649, regarding Rachel Hennessey, Kirkwood, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 650, regarding Kristen Marie Hyde, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 651, regarding Savannah Marie Paletta, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 652, regarding Victoria Lorraine Pollvogt, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 653, regarding Jaclyn Margaret Shea, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 654, regarding Samantha Short, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 655, regarding Nicolette Jean Snyder, St. Louis, which was adopted.

Senator Lager offered Senate Resolution No. 656, regarding the 2010 Class 2 State Champion Penney High School football program.

SENATE BILLS FOR PERFECTION

Senator Mayer moved that **SB 65**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 65**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 65

An Act to repeal sections 188.015, 188.029, and 188.030, RSMo, and to enact in lieu thereof two new sections relating to abortion, with penalty provisions.

Was taken up.

Senator Mayer moved that **SCS for SB 65** be adopted.

Senator Justus offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 65, Page 5, Section 188.030, Line 102, by inserting after “abortion” the following: “, **except that such prohibition shall not apply to physicians whose legal or financial affiliation or relationship is a result of being employed by or having staff privileges at the same hospital as the term “hospital” is defined in section 197.020**”.

Senator Justus moved that the above amendment be adopted, which motion prevailed.

Senator Justus offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 65, Page 2, Section 188.015, Line 24, by striking the word “physical”; and

Further amend said bill, page 3, section 188.030, line 28, by striking all of said line and inserting in lieu thereof the following: “**endangered by a disorder, illness, or injury,**”; and further amend line 29, by striking the word “physical”; and further amend line 31, by striking the word “physical”; and further amend line 32, by striking the word “For”; and further amend lines 33-36, by striking all of said lines; and

Further amend said bill and section, page 4, line 71, by striking the word “physical”; and further amend lines 78-79, by striking all of said lines and inserting in lieu thereof the following: “**of substantial and irreversible impairment of the pregnant woman. Upon completion of the abortion, the**”; and

Further amend said bill and section, page 5, line 93, by striking the word “physical”; and

Further amend said bill and section, page 6, lines 126-127, by striking all of said lines and inserting in lieu thereof the following: “**increased risk of substantial and irreversible impairment.**”.

Senator Justus moved that the above amendment be adopted.

At the request of Senator Mayer, **SB 65**, with **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

INTRODUCTIONS OF GUESTS

Senator Justus introduced to the Senate, Michele Newby, Judy Morgan, Chere Chaney, Derecka Purnell, Kansas City; and Taylor Dukes, Columbia.

Senator Goodman introduced to the Senate, Caitlin and Rhiannon Morrow, Bolivar; and Caitlin and Rhiannon were made honorary pages.

Senator Brown introduced to the Senate, his grandchildren, Tristin, Brody and Kennedy Brown, Maya and Rio Sherrill; and Amanda Smith, Rolla.

On behalf of Senator Schmitt, the President introduced to the Senate, Ann Mangelsdorf, and Kate Hettiger, Webster Groves; and Julie Backer, Kirkwood.

On behalf of Senator Pearce, the President introduced to the Senate, Baillie James, Warrensburg; and Issac Robinson, St. Louis County.

Senator Lembke introduced to the Senate, Lt. Col. Randy Fuller, Lt. Col. David Miller and Cadet 2nd Lt. Stephen Couture, representatives of the Civil Air Patrol.

Senator Cunningham introduced to the Senate, Bryan Britt and one hundred thirty eighth grade students from Parkway Central Middle School, St. Louis County.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-THIRD DAY—WEDNESDAY, MARCH 30, 2011

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 83	HB 229-Curls and Leara
HB 109-Wells, et al	HB 282-Franz
HB 137-Thomson, et al	HCS for HB 315
HB 142-Gatschenberger	HB 358-Leara and Colona
HB 149-Day, et al	HB 360-Leara
HB 151-Kelly (24) and Mollendorp	HCS for HB 459
HB 153-Black, et al	HCS for HB 465
HB 171-Ruzicka, et al	HB 127-Barnes
HB 184-Dugger	HJR 6-Cierpiot, et al
HB 186-Entlicher, et al	HJR 29-Solon, et al
HB 189-Ruzicka	HCS for HB 213
HB 190-Ruzicka	HCS for HBs 294, 123, 125, 113, 271 & 215
HB 204-Hoskins, et al	HB 252-Cox, et al
HCS for HB 250	HB 731-Parkinson, et al
HB 217-Dugger and Entlicher	HCS for HB 431
HCS for HB 338	HCS for HB 89
HCS for HB 363	HCS for HB 29
HB 415-Richardson, et al	HB 361-Leara
HB 442-Franz	

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna (In Fiscal Oversight)

SB 282-Engler

SS#2 for SCS for SB 62-Schaaf

SS for SB 226-Engler

SENATE BILLS FOR PERFECTION

- | | |
|--------------------------------|--|
| 1. SB 81-Pearce, with SCS | 17. SB 116-Justus |
| 2. SB 54-Cunningham, with SCS | 18. SB 10-Rupp |
| 3. SB 200-Crowell | 19. SB 9-Rupp |
| 4. SB 72-Kraus | 20. SB 208-Lager |
| 5. SB 36-Lembke | 21. SB 209-Lager |
| 6. SB 322-Schaefer | 22. SJR 15-Nieves, et al |
| 7. SB 29-Brown, with SCS | 23. SB 147-Schaefer |
| 8. SJR 11-Munzlinger, with SCS | 24. SJR 10-Lembke and Green |
| 9. SB 118-Stouffer | 25. SB 390-Schmitt, et al |
| 10. SB 177-Brown, with SCS | 26. SBs 189, 217, 246, 252 & 79-Schmitt,
with SCS |
| 11. SB 241-Brown and Wasson | 27. SB 231-Lager, et al |
| 12. SB 323-Schaefer, with SCS | 28. SB 25-Schaaf, with SCS |
| 13. SB 59-Keaveny | 29. SB 356-Munzlinger, with SCS |
| 14. SB 60-Keaveny, with SCS | 30. SB 368-Stouffer, with SCS |
| 15. SB 70-Schaefer, with SCS | |
| 16. SB 165-Goodman, with SCS | |

HOUSE BILLS ON THIRD READING

HCS for HB 14, with SCS (Schaefer)

HB 15-Silvey (Schaefer)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SENATE BILLS FOR PERFECTION

SBs 1 & 206-Ridgeway, with SCS & SA 1
(pending)

SB 23-Keaveny, with SCS & SS for SCS
(pending)

SBs 7, 5, 74 & 169-Goodman, with SCS

SB 28-Brown

SB 37-Lembke, with SCS
SB 65-Mayer, et al, with SCS & SA 2
(pending)
SB 120-Stouffer
SB 130-Rupp, with SCS & SS for SCS
(pending)
SB 175-Munzlinger, et al, with SA 1
(pending)
SB 176-Munzlinger, et al

SB 202-Crowell
SB 203-Schmitt, et al
SB 204-Dempsey, et al
SB 242-Cunningham, with SCS
SB 247-Pearce, with SS (pending)
SB 254-Stouffer, with SCS
SB 278-Munzlinger, et al
SB 280-Purgason, et al, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 163, with SCS, SS for SCS & SA 1
(pending) (Pearce)

CONSENT CALENDAR

Senate Bills

Reported 2/17

SB 57-Callahan, with SCS
SB 97-Engler

SB 96-Engler

RESOLUTIONS

Reported from Committee

SR 179-Purgason

SCR 8-Rupp

To be Referred

SCR 12-Schaaf

✓

Journal of the Senate

FIRST REGULAR SESSION

FORTY-THIRD DAY—WEDNESDAY, MARCH 30, 2011

The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

“...but those who listen to me will be secure and will live at ease, without dread of disaster.” (Proverbs 1:33)

Loving God, help us this day to hear Your word, understand its wisdom, obey Your directions and rest secure in Your grace. Help us not to confuse our search for courage, love and wisdom with fame, fortune and status, but help us to embrace what we have, Your teachings, guidance and counseling. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

President Pro Tem Mayer requested unanimous consent of the Senate to allow members of the Missouri Sheriffs' Association to enter the Chamber with side arms, which request was granted.

REFERRALS

President Pro Tem Mayer referred **SCR 12** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

RESOLUTIONS

Senator Wasson offered Senate Resolution No. 657, regarding the death of Kevin Lynn Rudolph, which was adopted.

Senator Wright-Jones offered the following resolution:

SENATE RESOLUTION NO. 658

WHEREAS, the Missouri General Assembly has compiled a long tradition of rendering assistance to those programs aimed at developing exemplary qualities of citizenship and leadership within our youth; and

WHEREAS, the Missouri Girls State program of the American Legion Auxiliary has earned considerable recognition for its success in providing young women with a unique and valuable insight into the process of democratic government through a format of direct role-playing experience; and

WHEREAS, during June 2011, the American Legion Auxiliary, Department of Missouri, is conducting the annual session of Missouri Girls State; and

WHEREAS, an important highlight of this event would be conducting a mock legislative session in the Senate Chamber at our State Capitol where participants could gather to gain a more realistic insight into official governmental and electoral proceedings:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-sixth General Assembly, hereby grant the adult leaders and participants of Missouri Girls State permission to use the Senate Chamber for the purpose of swearing in mock legislative officials and conducting a mock legislative session from 9:00 am to 12:30 pm on June 22, 2011.

Senator Wright-Jones requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 658** up for adoption, which request was granted.

On motion of Senator Wright-Jones, **SR 658** was adopted.

Senator Brown offered Senate Resolution No. 659, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. John Heckman, Folk, which was adopted.

Senator Brown offered Senate Resolution No. 660, regarding the death of Paul Lloyd Bell, which was adopted.

Senator Brown offered Senate Resolution No. 661, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Kurtis Lambiel, Rolla, which was adopted.

Senator Brown offered Senate Resolution No. 662, regarding Sister Twylla McKendry, Winnipeg, Province of Manitoba, Canada, which was adopted.

President Pro Tem Mayer assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Cunningham, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which were referred **SB 369** and **SB 370**, begs

leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Pearce assumed the Chair.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, which was read:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

March 29, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointments to office made by me and submitted to you on February 1, 2011, for your advice and consent:

Jeff Schaeperkoetter, Democrat, 5014 Willowby Drive, Jefferson City, Cole County, Missouri 65109, as a member of the State Tax Commission, for a term ending January 23, 2012, and until his successor is duly appointed and qualified; vice, Jeff Schaeperkoetter, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Mayer moved that the above appointment be returned to the Governor per his request, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Purgason moved that **SB 280**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 280**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 280

An Act to repeal sections 32.105, 32.110, 32.115, 32.117, 32.120, 99.1205, 100.286, 100.297, 135.010, 135.025, 135.030, 135.090, 135.313, 135.326, 135.327, 135.352, 135.460, 135.481, 135.484, 135.487, 135.490, 135.535, 135.550, 135.562, 135.575, 135.600, 135.630, 135.647, 135.679, 135.700, 135.802, 135.815, 135.825, 135.1150, 137.1018, 143.119, 144.062, 147.010, 178.760, 178.761, 178.762, 178.763, 178.764, 178.892, 178.893, 178.894, 178.895, 178.896, 208.770, 253.545, 253.550, 253.557, 253.559, 348.430, 348.432, 348.434, 348.500, 348.505, 447.708, 620.470, 620.472, 620.474, 620.475, 620.476, 620.478, 620.479, 620.480, 620.481, 620.482, 620.495, and 660.055, RSMo, and to enact in lieu thereof fifty-seven new sections relating to tax credits, with an emergency clause.

Was taken up.

Senator Purgason moved that **SCS** for **SB 280** be adopted.

Senator Purgason offered **SS** for **SCS** for **SB 280**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 280

An Act to repeal sections 32.105, 32.110, 32.115, 32.117, 32.120, 99.1205, 100.286, 100.297, 135.010, 135.025, 135.030, 135.090, 135.313, 135.326, 135.327, 135.352, 135.460, 135.481, 135.484, 135.487, 135.490, 135.535, 135.550, 135.562, 135.575, 135.600, 135.630, 135.647, 135.679, 135.700, 135.802, 135.815, 135.825, 135.1150, 137.1018, 143.119, 144.062, 178.760, 178.761, 178.762, 178.763, 178.764, 178.892, 178.893, 178.894, 178.895, 178.896, 208.770, 253.545, 253.550, 253.557, 253.559, 348.430, 348.432, 348.434, 348.500, 348.505, 447.708, 620.470, 620.472, 620.474, 620.475, 620.476, 620.478, 620.479, 620.480, 620.481, 620.482, 620.495, and 660.055, RSMo, and to enact in lieu thereof fifty-seven new sections relating to tax incentives, with an emergency clause.

Senator Purgason moved that **SS** for **SCS** for **SB 280** be adopted.

Senator Ridgeway offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Page 184, Section 620.803, Line 12, by striking the words “publish guidelines and may”; and further amend line 26, by striking the word “guidelines” and inserting in lieu thereof the following: “**applicable rules and regulations**”.

Senator Ridgeway moved that the above amendment be adopted.

Senator Kehoe assumed the Chair.

President Kinder assumed the Chair.

At the request of Senator Ridgeway, **SA 1** was withdrawn.

At the request of Senator Purgason, **SB 280**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1**, entitled:

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund, and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2011 and ending June 30, 2012; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2011 and ending June 30, 2012; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 3**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2011 and ending June 30, 2012; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 4**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, Department of Transportation and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2011 and ending June 30, 2012; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Dempsey, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Stouffer.

Senator Dempsey announced that photographers from the Associated Press and Missouri News Horizon were given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

Senator Wright-Jones offered Senate Resolution No. 663, regarding Betty Jean Kerr People's Health Centers, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 664, regarding the State Chapter Senior Citizens' 31st Annual "Bringing It Together" event, which was adopted.

Senator Parson offered Senate Resolution No. 665, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Larry Means, Lincoln, which was adopted.

Senator Parson offered Senate Resolution No. 666, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ralph Benham, Stockton, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 5**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Conservation, the Department of Public Safety, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2011 and ending June 30, 2012; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 6**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2011 and ending June 30, 2012; provided that no funds from these sections shall be

expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 7**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2011 and ending June 30, 2012; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 8**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2011 and ending June 30, 2012.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 9**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2011 and ending June 30, 2012; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 10**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Department of Health and Senior Services, and the several divisions and programs thereof, and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2011 and ending June 30, 2012; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 11**, entitled:

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2011 and ending June 30, 2012; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 12**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2011 and ending June 30, 2012.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 13**, entitled:

An Act to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2011 and ending June 30, 2012; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

SENATE BILLS FOR PERFECTION

Senator Schmitt moved that **SB 203** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Schmitt offered **SS** for **SB 203**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 203

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to tax incentives to attract sporting events to Missouri.

Senator Schmitt moved that **SS** for **SB 203** be adopted.

At the request of Senator Schmitt, **SB 203**, with **SS** (pending), was placed on the Informal Calendar.

Senator Mayer moved that **SB 65**, with **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

At the request of Senator Justus, the above amendment was withdrawn.

Senator Mayer offered **SS** for **SCS** for **SB 65**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 65

An Act to repeal sections 188.015, 188.029, and 188.030, RSMo, and to enact in lieu thereof two new sections relating to abortion, with penalty provisions.

Senator Mayer moved that **SS** for **SCS** for **SB 65** be adopted, which motion prevailed.

On motion of Senator Mayer, **SS** for **SCS** for **SB 65** was declared perfected and ordered printed.

Senator Cunningham moved that **SB 242**, with **SCS**, be called from the Informal Calendar and taken

up for perfection, which motion prevailed.

SCS for **SB 242**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 242

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to school enrollment.

Was taken up.

Senator Cunningham offered **SS** for **SCS** for **SB 242**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 242

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to school enrollment.

Senator Cunningham moved that **SS** for **SCS** for **SB 242** be adopted.

Senator Ridgeway assumed the Chair.

At the request of Senator Cunningham, **SB 242**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 65**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Mayer referred **SS** for **SCS** for **SB 65** to the Committee on Ways and Means and Fiscal Oversight.

RESOLUTIONS

Senator Rupp offered Senate Resolution No. 667, regarding Geneva Dawson, Moscow Mills, which was adopted.

Senator Rupp offered Senate Resolution No. 668, regarding Janet McGlaughlin, Troy, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Lager introduced to the Senate, Coach David Fairchild and members of the Penney High School Hornets football team, Hamilton.

Senator Parson introduced to the Senate, members of the Sheriffs' Association from around the state.

On behalf of Senators Keaveny, Cunningham, Schmitt and herself, Senator Chappelle-Nadal introduced to the Senate, representatives of St. Louis Community Colleges: President Marcia Pfeffer, Craig Larson and Laura Stevens, Florissant Valley Campus; President Dr. Cindy Hess, Vice Chancellor Carla Chance, Christy Hart and students Ashlee Holmes and Jonathan Edwards, Forest Park Campus; President Pam McIntyre, Vice President Patrick Vaughn and Ellen Gough, Wildwood Campus; and President George Wasson, Vice President Lin Crawford, Kevin Metzler and student Edward Ellersman, Meramec Campus.

Senator Rupp introduced to the Senate, Robin Carnett, O'Fallon; and Janet Dobson and Julie Uglow, St. Charles County.

On behalf of Senator Pearce, the President introduced to the Senate, the Physician of the Day, Dr. Curtis Long, M.D., Butler.

On behalf of Senator Pearce, the President introduced to the Senate, Donni Kuck, MSW, LCSW, Adriatik Likcani, Ph.D Cand. LMFT, CRAADC, and Esther Gear, representatives of Missouri Recovery Network.

Senator Stouffer introduced to the Senate, the Missouri Trucking Association 2010 Drivers of the Month.

Senator Mayer introduced to the Senate, Steve Halter, Sheila Calvert, Carrie Whitely, Tabitha Thomas, Penny McGath, Sharon Kissinger, Michelle Witts, Faye McCleroy, Stephanie Clark, Pat Nobles, Anita Freeman, Regina Morris, Deb Halter, Randy Ferrell, Mike Morton, Jane Baron, Melody Melloy and Mark Melloy, Poplar Bluff Chamber of Commerce Leadership Group.

Senator Brown introduced to the Senate, students from CSTAR, Rolla.

On behalf of Senator Dempsey and himself, Senator Mayer introduced to the Senate, representatives of 40 Days for Life from around the state.

Senator Dixon introduced to the Senate, John Twitty, Springfield.

Senator Engler introduced to the Senate, Pastor King and students from St. Paul Lutheran School, Farmington.

Senator Goodman introduced to the Senate, Larry Moennig and Kevin Jones, Pierce City; and Ann Hall and Randy Henderson, Purdy.

Senator Mayer introduced to the Senate, President Dr. Devin Stephenson, Emily Clark-Parks, Judy Stephenson, Wilbur Thornton, Steve Boyers, Patty Boyers, Doug Lilla, Megan Keathley, Teresa Johnson, Kathy Richardson, Chris Adams, Cassie Walters, Will Doherty, Aaron Smothers, Kayleigh Evans, Eddy Justice and Jeff Shawan, Three Rivers Community College, Poplar Bluff.

Senator Schaefer introduced to the Senate, representatives of Randolph County EXCEL Leadership Group.

Senator Ridgeway introduced to the Senate, Rebecca Taylor and Roxi Griffin, Kansas City.

Senator Brown introduced to the Senate, Ami, Dustin, Anica and Wyatt Wilson, Edgar Springs.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-FOURTH DAY—THURSDAY, MARCH 31, 2011

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 83	HCS for HB 465
HB 109-Wells, et al	HB 127-Barnes
HB 137-Thomson, et al	HJR 6-Cierpiot, et al
HB 142-Gatschenberger	HJR 29-Solon, et al
HB 149-Day, et al	HCS for HB 213
HB 151-Kelly (24) and Mollendorp	HCS for HBs 294, 123, 125, 113, 271 & 215
HB 153-Black, et al	HB 252-Cox, et al
HB 171-Ruzicka, et al	HB 731-Parkinson, et al
HB 184-Dugger	HCS for HB 431
HB 186-Entlicher, et al	HCS for HB 89
HB 189-Ruzicka	HCS for HB 29
HB 190-Ruzicka	HB 361-Leara
HB 204-Hoskins, et al	HCS for HB 1
HCS for HB 250	HCS for HB 2
HB 217-Dugger and Entlicher	HCS for HB 3
HCS for HB 338	HCS for HB 4
HCS for HB 363	HCS for HB 5
HB 415-Richardson, et al	HCS for HB 6
HB 442-Franz	HCS for HB 7
HB 229-Curls and Leara	HCS for HB 8
HB 282-Franz	HCS for HB 9
HCS for HB 315	HCS for HB 10
HB 358-Leara and Colona	HCS for HB 11
HB 360-Leara	HCS for HB 12
HCS for HB 459	HCS for HB 13

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna (In Fiscal Oversight)	SS for SB 226-Engler
SS#2 for SCS for SB 62-Schaaf	SS for SCS for SB 65-Mayer (In Fiscal Oversight)
SB 282-Engler	

SENATE BILLS FOR PERFECTION

- | | |
|--------------------------------|--|
| 1. SB 81-Pearce, with SCS | 17. SB 116-Justus |
| 2. SB 54-Cunningham, with SCS | 18. SB 10-Rupp |
| 3. SB 200-Crowell | 19. SB 9-Rupp |
| 4. SB 72-Kraus | 20. SB 208-Lager |
| 5. SB 36-Lembke | 21. SB 209-Lager |
| 6. SB 322-Schaefer | 22. SJR 15-Nieves, et al |
| 7. SB 29-Brown, with SCS | 23. SB 147-Schaefer |
| 8. SJR 11-Munzlinger, with SCS | 24. SJR 10-Lembke and Green |
| 9. SB 118-Stouffer | 25. SB 390-Schmitt, et al |
| 10. SB 177-Brown, with SCS | 26. SBs 189, 217, 246, 252 & 79-Schmitt,
with SCS |
| 11. SB 241-Brown and Wasson | 27. SB 231-Lager, et al |
| 12. SB 323-Schaefer, with SCS | 28. SB 25-Schaaf, with SCS |
| 13. SB 59-Keaveny | 29. SB 356-Munzlinger, with SCS |
| 14. SB 60-Keaveny, with SCS | 30. SB 368-Stouffer, with SCS |
| 15. SB 70-Schaefer, with SCS | 31. SBs 369 & 370-Cunningham, with SCS |
| 16. SB 165-Goodman, with SCS | |

HOUSE BILLS ON THIRD READING

HCS for HB 14, with SCS (Schaefer)

HB 15-Silvey (Schaefer)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SENATE BILLS FOR PERFECTION

- | | |
|--|--|
| SBs 1 & 206-Ridgeway, with SCS & SA 1
(pending) | SB 176-Munzlinger, et al |
| SBs 7, 5, 74 & 169-Goodman, with SCS | SB 202-Crowell |
| SB 23-Keaveny, with SCS & SS for SCS
(pending) | SB 203-Schmitt, et al, with SS (pending) |
| SB 28-Brown | SB 204-Dempsey, et al |
| SB 37-Lembke, with SCS | SB 242-Cunningham, with SCS & SS for SCS
(pending) |
| SB 120-Stouffer | SB 247-Pearce, with SS (pending) |
| SB 130-Rupp, with SCS & SS for SCS
(pending) | SB 254-Stouffer, with SCS |
| SB 175-Munzlinger, et al, with SA 1
(pending) | SB 278-Munzlinger, et al |
| | SB 280-Purgason, et al, with SCS & SS
for SCS (pending) |

HOUSE BILLS ON THIRD READING

HCS for HB 163, with SCS, SS for SCS &
SA 1 (pending) (Pearce)

CONSENT CALENDAR

Senate Bills

Reported 2/17

SB 57-Callahan, with SCS
SB 97-Engler

SB 96-Engler

RESOLUTIONS

Reported from Committee

SR 179-Purgason

SCR 8-Rupp

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Journal of the Senate

FIRST REGULAR SESSION

FORTY-FOURTH DAY—THURSDAY, MARCH 31, 2011

The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

“I love the Lord, because he has heard my voice of my supplications, because he has inclined his ear to me whenever I call upon him.”
(Psalm 116:1)

Almighty God, we thank You daily for we call upon You and You hear our voice and listen to our prayers. We thank You for Your blessing us with Your guidance and presence. We thank You for those You have given us to love and teaching us to love others You have placed in our lives. We ask You to watch over us this day in the work we complete here and in our traveling to be with loved ones. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Dempsey announced that photographers from Missouri News Horizon were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

RESOLUTIONS

Senator Parson offered Senate Resolution No. 669, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert Kreisler, Clinton, which was adopted.

Senator Parson offered Senate Resolution No. 670, regarding the One Hundredth Birthday of Leona P. Moore, Sedalia, which was adopted.

Senator Green offered Senate Resolution No. 671, regarding Diane Dowdy, North Saint Louis County, which was adopted.

Senator Lembke offered Senate Resolution No. 672, regarding James W. Bodenstein, Saint Louis, which was adopted.

CONCURRENT RESOLUTIONS

Senator Lembke offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 13

WHEREAS, the United States Environmental Protection Agency (EPA) has proposed or is proposing numerous new regulations, particularly in the area of air quality and regulation of greenhouse gases, that are likely to have major effects on the economy, jobs, and the competitiveness of the United States in worldwide markets; and

WHEREAS, EPA's regulatory activity as to air quality and greenhouse gases has numerous and overlapping requirements and may have a potentially devastating consequence on the economy; and

WHEREAS, concern is growing that, with Cap-and-Trade legislation having failed in the United States Congress, the EPA is attempting to obtain the same results through the adoption of regulations; and

WHEREAS, EPA over-regulation is driving jobs and industry out of the United States; and

WHEREAS, neither the EPA nor the Administration has undertaken any comprehensive study of the cumulative effect that the new regulatory activity will have on the economy, jobs, and competitiveness; and

WHEREAS, the EPA has not performed any comprehensive study of what the environmental benefits of its greenhouse gas regulation will be in terms of impacts on global climate; and

WHEREAS, state agencies are routinely required to identify the costs of their regulations and to justify those costs in light of the benefits; and

WHEREAS, since the EPA has identified "taking action on climate change and improving air quality" as its first strategic goal for the 2011-15 time period, the EPA should be required to identify the specific actions it intends to take to achieve these goals and to assess the total cost of all these actions together; and

WHEREAS, the Missouri General Assembly supports continuing improvements in the quality of the nation's air and believes that such improvements can be made in a sensible fashion without damaging the economy so long as there is a full understanding of the cost of the regulation at issue; and

WHEREAS, the primary goal of government at the present time must be to promote economic recovery and to foster a stable and predictable business environment that will lead to the creation of jobs; and

WHEREAS, public health and welfare will suffer without significant new job creation and economic improvement, because people with good jobs are better able to take care of themselves and their families than the unemployed and environmental improvement is only possible in a society that generates wealth:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-sixth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the United States Congress to:

(1) Adopt legislation prohibiting the EPA, by any means necessary, from regulating greenhouse gas emissions, including defunding EPA greenhouse gas regulatory activities, if necessary;

(2) Impose a moratorium on promulgation of any new air quality regulation by the EPA, by any means necessary, except to directly address an imminent health or environmental emergency, for a period of at least two years, including defunding EPA air quality regulatory

activities; and

(3) Require the Administration to undertake a study identifying all regulatory activity the EPA intends to undertake in furtherance of its goal of “taking action on climate change and improving air quality” and specifying the cumulative effect of all of these regulations on the economy, jobs, and the economic competitiveness of the United States. The study should be a multi-agency study drawing on the expertise both of EPA and of agencies and departments having expertise in and responsibility for the economy and the electric system and should provide an objective cost-benefit analysis of all the EPA’s current and planned regulation together; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the President of the United States; the Majority and Minority Leaders of the United States House of Representatives and Senate; Lisa P. Jackson, the Administrator of the Environmental Protection Agency; and each member of the Missouri congressional delegation.

THIRD READING OF SENATE BILLS

SS No. 2 for **SCS** for **SB 62**, introduced by Senator Schaaf, entitled:

SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 62

An Act to repeal section 191.227, RSMo, and to enact in lieu thereof one new section relating to medical records.

Was taken up.

On motion of Senator Schaaf, **SS No. 2** for **SCS** for **SB 62** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Cunningham	Curls	Dempsey	Dixon	Engler	Goodman
Green	Justus	Keaveny	Kehoe	Lager	Lamping	Lembke	Mayer
McKenna	Munzlinger	Parson	Pearce	Purgason	Richard	Ridgeway	Rupp
Schaaf	Schaefer	Schmitt	Stouffer	Wasson—29			

NAYS—Senators

Chappelle-Nadal	Kraus	Nieves—3
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Absent—Senator Crowell—1

Absent with leave—Senator Wright-Jones—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaaf, title to the bill was agreed to.

Senator Schaaf moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SB 282, introduced by Senator Engler, entitled:

An Act to repeal sections 115.123 and 115.755, RSMo, and to enact in lieu thereof one new section relating to dates of conducting elections.

Was taken up.

On motion of Senator Engler, **SB 282** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Engler	Green
Keaveny	Kehoe	Kraus	Lager	Lamping	Lembke	Mayer	McKenna
Munzlinger	Nieves	Parson	Pearce	Purgason	Richard	Ridgeway	Rupp
Schaaf	Schaefer	Schmitt	Stouffer	Wasson—29			

NAYS—Senators

Curls	Goodman	Justus—3
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Absent—Senator Crowell—1

Absent with leave—Senator Wright-Jones—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SS for **SB 226**, introduced by Senator Engler, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 226

An Act to repeal sections 190.035 and 190.040, RSMo, and to enact in lieu thereof three new sections relating to ambulance districts.

Was taken up.

On motion of Senator Engler, **SS** for **SB 226** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson—33							

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wright-Jones—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SB 57, with **SCS**, introduced by Senator Callahan, entitled:

An Act to repeal section 475.115, RSMo, and to enact in lieu thereof one new section relating to public administrators.

Was called from the Consent Calendar and taken up.

SCS for **SB 57**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 57

An Act to repeal section 475.115, RSMo, and to enact in lieu thereof one new section relating to public administrators.

Was taken up.

Senator Callahan moved that **SCS** for **SB 57** be adopted, which motion prevailed.

On motion of Senator Callahan, **SCS** for **SB 57** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wright-Jones—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Callahan, title to the bill was agreed to.

Senator Callahan moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SB 97, introduced by Senator Engler, entitled:

An Act to authorize the conveyance of state property owned by the state to the City of Farmington.

Was called from the Consent Calendar and taken up.

On motion of Senator Engler, **SB 97** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Green	Keaveny	Kehoe	Kraus	Lager	Lamping	Lembke
Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard
Ridgeway	Schaaf	Schaefer	Schmitt	Stouffer	Wright-Jones—30		

NAYS—Senators—None

Absent—Senators

Curls	Justus	Rupp	Wasson—4
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SB 96, introduced by Senator Engler, entitled:

An Act to authorize the conveyance of state properties in St. Francois County.

Was called from the Consent Calendar and taken up.

On motion of Senator Engler, **SB 96** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

President Pro Tem Mayer assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Ridgeway, Chairman of the Committee on Health, Mental Health, Seniors and Families, submitted the following reports:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 351**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 90**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 122**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Purgason, Chairman of the Committee on Ways and Means and Fiscal Oversight, Senator Dempsey submitted the following reports:

Mr. President: Your Committee on Ways and Means and Fiscal Oversight, to which was referred **SB 100**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Ways and Means and Fiscal Oversight, to which was referred **SB 117**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which were referred **SB 26** and **SB 106**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Goodman, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which were referred **SB 394** and **SB 331**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was

referred **SB 366**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 237**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 213**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 420**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Cunningham, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **SB 286**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Pearce, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 268**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 228**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Education, to which were referred **SB 291**, **SB 184** and **SB 294**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Lembke, Chairman of the Committee on Governmental Accountability, submitted the following report:

Mr. President: Your Committee on Governmental Accountability, to which were referred **SB 88** and **SB 82**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Munzlinger, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 299**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Pearce assumed the Chair.

Senator Mayer, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Barbara Brown-Johnson and Derek Conard, as members of the Child Abuse and Neglect Review Board;

Also,

Joan M. Burger, Democrat, as a member and Chair of the St. Louis City Board of Election Commissioners;

Also,

Harry Ratliff and Peter Nicastro, as members of the Organ Donation Advisory Committee;

Also,

Stephen Cox and Gregory Wheelen, as members of the Peace Officer Standards and Training Commission;

Also,

Leslie Gertsch, Independent, as a member of the Land Reclamation Commission;

Also,

Fareesa Khan, Democrat, as a member of the State Board of Registration for the Healing Arts;

Also,

John Albright, Republican, as a member of the Missouri Community Service Commission.

Senator Mayer requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Mayer moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 434**, entitled:

An Act to repeal sections 287.120 and 287.800, RSMo, and to enact in lieu thereof two new sections relating to workers' compensation.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 475**, entitled:

An Act to amend chapter 191, RSMo, by adding thereto three new sections relating to disclosure of health care data, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 423**, entitled:

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the health care compact.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 38**, entitled:

An Act to amend chapter 221, RSMo, by adding thereto one new section relating to jailors.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 68**, entitled:

An Act to repeal section 190.308, RSMo, and to enact in lieu thereof one new section relating to misuse of emergency telephone service, with an existing penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 98**, entitled:

An Act to repeal sections 260.262, 260.380, and 260.475, RSMo, and to enact in lieu thereof three new sections relating to environmental control, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 118**, entitled:

An Act to repeal sections 455.038 and 455.040, RSMo, and to enact in lieu thereof two new sections relating to orders of protection.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 183**, entitled:

An Act to repeal sections 86.900, 86.1030, 86.1100, 86.1110, 86.1120, 86.1140, 86.1150, 86.1230, 86.1240, 86.1250, 86.1310, 86.1420, 86.1480, 86.1490, 86.1500, 86.1510, 86.1540, 86.1560, 86.1600, 86.1610, and 86.1620, RSMo, and to enact in lieu thereof twenty-one new sections relating to police and civilian employees' retirement systems.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 187** and **54**, entitled:

An Act to repeal section 115.241, RSMo, relating to political party emblems on ballots.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 263**, entitled:

An Act to repeal section 70.660, RSMo, and to enact in lieu thereof one new section relating to the Missouri local government employees' retirement system.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 287**, entitled:

An Act to repeal section 197.705, RSMo, and to enact in lieu thereof one new section relating to health care professional identification badges.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 340**, entitled:

An Act to repeal section 49.310, RSMo, and to enact in lieu thereof one new section relating to the erection and maintenance of jails, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

HOUSE BILLS ON SECOND READING

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

HCS for HB 83—Financial and Governmental Organizations and Elections.

HB 109—Financial and Governmental Organizations and Elections.

HB 137—Governmental Accountability.

HB 142—Jobs, Economic Development and Local Government.

HB 149—Financial and Governmental Organizations and Elections.

HB 151—Ways and Means and Fiscal Oversight.

HB 153—Transportation.

HB 171—Financial and Governmental Organizations and Elections.

HB 184—Jobs, Economic Development and Local Government.

HB 186—Jobs, Economic Development and Local Government.

HB 189—Judiciary and Civil and Criminal Jurisprudence.

HB 190—Agriculture, Food Production and Outdoor Resources.

HB 204—Transportation.

HCS for HB 250—Agriculture, Food Production and Outdoor Resources.

HB 217—Financial and Governmental Organizations and Elections.

HCS for HB 338—Commerce, Consumer Protection, Energy and the Environment.

HCS for HB 363—Transportation.

HB 415—Transportation.

HB 442—General Laws.

HB 229—Education.

HB 282—Veterans’ Affairs, Emerging Issues, Pensions and Urban Affairs.

HCS for HB 315—General Laws.

HB 358—Jobs, Economic Development and Local Government.

HB 360—Veterans’ Affairs, Emerging Issues, Pensions and Urban Affairs.

HCS for HB 459—Transportation.

HCS for HB 465—Financial and Governmental Organizations and Elections.

HB 127—Veterans’ Affairs, Emerging Issues, Pensions and Urban Affairs.

HJR 6—General Laws.

HJR 29—Ways and Means and Fiscal Oversight.

HCS for HB 213—General Laws.

HCS for HBs 294, 123, 125, 113, 271 and 215—General Laws.

HB 252—Judiciary and Civil and Criminal Jurisprudence.

HB 731—Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 431—Health, Mental Health, Seniors and Families.

HCS for HB 89—Commerce, Consumer Protection, Energy and the Environment.

HCS for HB 29—Health, Mental Health, Seniors and Families.

HB 361—General Laws.

HCS for HB 1—Appropriations.

HCS for HB 2—Appropriations.

HCS for HB 3—Appropriations.

HCS for HB 4—Appropriations.

HCS for HB 5—Appropriations.

HCS for HB 6—Appropriations.

HCS for HB 7—Appropriations.

HCS for HB 8—Appropriations.

HCS for HB 9—Appropriations.

HCS for HB 10—Appropriations.

HCS for HB 11—Appropriations.

HCS for HB 12—Appropriations.

HCS for HB 13—Appropriations.

INTRODUCTIONS OF GUESTS

On behalf of Senator Pearce, the President introduced to the Senate, the Physician of the Day, Dr. Bill Turner, M.D. and Marie Wessley McCullough, Nevada.

Senator Stouffer introduced to the Senate, members of Farm Bureau Youth Leadership, Fayette.

Senator Stouffer introduced to the Senate, Jamie Wilson and members of Macon Farm Bureau Youth Leadership: Loryssa Biegel, Joseph Lolli, Dalton Green and Matt Gladbach.

Senator Stouffer introduced to the Senate, Colton Jacobs, Kelli Reichert, Allen Fletcher, Paige McHugh and Zach Lester, members of Chariton County Farm Bureau Youth Leadership.

Senator Kehoe introduced to the Senate, Dan Cassidy, Hadley Linnenbringer and members of North Callaway County Farm Bureau Youth Leadership: Alyssa Cassidy, Cody Jones, Ariana Alton and Kurt Linnenbringer.

Senator Kehoe introduced to the Senate, Jeremy Krouk.

Senator Engler introduced to the Senate, Tracy Sample, Farmington.

Senator Lager introduced to the Senate, members of Farm Bureau Youth Leadership, Grundy and Sullivan Counties.

Senator Dixon introduced to the Senate, twenty-five fourth grade students from Greenwood Laboratory School, Springfield.

Senator Brown introduced to the Senate, Chris Brundick and members of Maries County Farm Bureau Youth Leadership: Elizabeth Brundick, Kellie Tappel, Hallie Fanning, Audrey Helton and Aleah Pardoe.

Senator Kehoe introduced to the Senate, Sandi Knipp, Joanne Blankenship, Holly Eschenbrenner and members of Moniteau County Farm Bureau Youth Leadership: Seth Rohrbach, William English, Bailey Glenn, Becca Knipp and Zoe Huhmann.

Senator Purgason introduced to the Senate, Scott Long and members of Texas County Farm Bureau Youth Leadership: Kayla Cox, Tara Raysdale and Josh Luersseen.

Senator Purgason introduced to the Senate, Chris Sinning and members of Wright County Farm Bureau Youth Leadership: Shianne Russell, Teresa Wilkerson, Keeland Nix, Bethany Pridemore, Shawn Smart, Jered Pounds and Stephanie Robertson.

Senator Dempsey introduced to the Senate, Jim Radi, St. Peters.

Senator Wasson introduced to the Senate, David Emerson and members of Douglas County Farm Bureau Youth Leadership: Taylor McDonald, James Elijah and Colton Hall.

Senator Wasson introduced to the Senate, Brenda Leap, Gary Don Letterman and members of Webster County Farm Bureau Youth Leadership: Christian Sanchez, Mark Sams, Sean McCowan and Cory Collier.

Senator Lager introduced to the Senate, members of Farm Bureau Youth Leadership, Daviess and Harrison Counties.

On behalf of Senator Pearce, the President introduced to the Senate, Patrick Anderson, Mike Moreland and members of Cass County Farm Bureau Youth Leadership: Luke Bartholomew, Nathan Warner, Dusty Bennett, Erin Dunnagan and Breanna Newhouse.

Senator Schmitt introduced to the Senate, Dr. Adam Shariff, Ballwin; and Adbul Aden, St. Louis City.

Senator Munzlinger introduced to the Senate, Chris Chinn and members of the Shelby County Farm Bureau Youth Leadership: Nick Werr, Madelin Neill, Adam Smoot and Rhian Beldon.

Senator Munzlinger introduced to the Senate, Brody James and Leon James, members of Farm Bureau Youth Leadership, Knox County.

Senator Munzlinger introduced to the Senate, Joy Boling, Michael Boling, Kelsey Clark and Dustin Dandridge, members of Farm Bureau Youth Leadership, Ralls County.

Senator Munzlinger introduced to the Senate, Megan Morgan, Ashley Kendrick and members of Monroe County Farm Bureau Youth Leadership: Cody Dawson, Meaghan Dye and Heather DeOrnellis.

Senator Munzlinger introduced to the Senate, Michele Koelling, Barb Wilson, Janis Deimeke and members of Audrain County Farm Bureau Youth Leadership: Justin Gastler, Daniel Ahrens, Caroline Schafer, Josh Sims, Lui Dungan and Ashley Foreman.

Senator Wasson introduced to the Senate, Tammy Lowery and members of Greene County Farm Bureau Youth Leadership: Taylor Iosefa, Paige Lafferty, Karra Williams, Jaena Jensen, Rebecca Pummill and Savannah Cook.

Senator Goodman introduced to the Senate, Eleesa Gaedden, Mt. Vernon; Hannah Chute and Boyd Arthur, Miller; Rachel Welters, Verona; and Jake Horner, Pierce City.

Senator Engler introduced to the Senate, Tony Harbison, Don Barzowski and members of Iron County Farm Bureau Youth Leadership.

Senator Wright-Jones introduced to the Senate, Lee Fetter, Rick Majzun, Becky Hadfield, Barbara Miller, Sam Vance, Kel Ward and representatives of St. Louis Children's Hospital Advocacy Day.

Senator Lager introduced to the Senate, members of Farm Bureau Youth Leadership, Linn County.

Senator Parson introduced to the Senate, members of Farm Bureau Youth Leadership, Henry County.

Senator Kehoe introduced to the Senate, Gene and Janice Martin and members of Miller County Farm Bureau Youth Leadership: Amanda Lumpkin, Cori Haley, Cole Lawson and Cole Wyrick.

Senator Kehoe introduced to the Senate, Dwayne Schad, Brian Lehman and members of Morgan County Farm Bureau Youth Leadership: Bethany Gerlt, Grace Waller, Evan Reinert, Kelly Marriott, Morgan Marriott and Dakota Kroeschen.

Senator Dempsey introduced to the Senate, Mary Detjen, Jill Likens, parents and fourth grade students from St. Cletus Elementary School, St. Charles.

Senator Crowell introduced to the Senate, fourth grade students from Cape Christian Elementary School, Cape Girardeau.

On motion of Senator Dempsey, the Senate adjourned until 4:00 p.m., Monday, April 4, 2011.

SENATE CALENDAR

FORTY-FIFTH DAY—MONDAY, APRIL 4, 2011

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 434-Nolte
HCS for HB 475
HB 423-Burlison, et al
HCS for HB 38
HB 68-Scharnhorst
HB 98-Ruzicka

HB 118-Peters-Baker
HB 183-Silvey
HCS for HBs 187 & 54
HB 263-Weter
HCS for HB 287
HB 340-Klippenstein, et al

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna (In Fiscal Oversight)

SS for SCS for SB 65-Mayer (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 81-Pearce, with SCS
2. SB 54-Cunningham, with SCS
3. SB 200-Crowell
4. SB 72-Kraus
5. SB 36-Lembke
6. SB 322-Schaefer
7. SB 29-Brown, with SCS
8. SJR 11-Munzlinger, with SCS
9. SB 118-Stouffer
10. SB 177-Brown, with SCS
11. SB 241-Brown and Wasson
12. SB 323-Schaefer, with SCS
13. SB 59-Keaveny
14. SB 60-Keaveny, with SCS
15. SB 70-Schaefer, with SCS
16. SB 165-Goodman, with SCS

17. SB 116-Justus
18. SB 10-Rupp
19. SB 9-Rupp
20. SB 208-Lager
21. SB 209-Lager
22. SJR 15-Nieves, et al
23. SB 147-Schaefer
24. SJR 10-Lembke and Green
25. SB 390-Schmitt, et al
26. SBs 189, 217, 246, 252 & 79-Schmitt,
with SCS
27. SB 231-Lager, et al
28. SB 25-Schaaf, with SCS
29. SB 356-Munzlinger, with SCS
30. SB 368-Stouffer, with SCS
31. SBs 369 & 370-Cunningham, with SCS

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|-------------------------------------|---|
| 32. SB 351-Lamping, with SCS | 41. SB 213-Schaefer, with SCS |
| 33. SB 90-Dempsey | 42. SB 420-Mayer, with SCS |
| 34. SB 122-Schaaf, with SCS | 43. SB 286-McKenna |
| 35. SB 100-Stouffer, with SCS | 44. SB 268-Stouffer |
| 36. SB 117-Engler, with SCS | 45. SB 228-Pearce |
| 37. SBs 26 & 106-Wasson, with SCS | 46. SBs 291, 184 & 294-Pearce, with SCS |
| 38. SBs 394 & 331-Goodman, with SCS | 47. SBs 88 & 82-Schaaf, with SCS |
| 39. SB 366-Goodman, with SCS | 48. SB 299-Munzlinger, with SCS |
| 40. SB 237-Schaefer | |

HOUSE BILLS ON THIRD READING

HCS for HB 14, with SCS (Schaefer)

HB 15-Silvey (Schaefer)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SENATE BILLS FOR PERFECTION

- | | |
|--|--|
| SBs 1 & 206-Ridgeway, with SCS & SA 1
(pending) | SB 176-Munzlinger, et al |
| SBs 7, 5, 74 & 169-Goodman, with SCS | SB 202-Crowell |
| SB 23-Keaveny, with SCS & SS for SCS
(pending) | SB 203-Schmitt, et al, with SS (pending) |
| SB 28-Brown | SB 204-Dempsey, et al |
| SB 37-Lembke, with SCS | SB 242-Cunningham, with SCS & SS for SCS
(pending) |
| SB 120-Stouffer | SB 247-Pearce, with SS (pending) |
| SB 130-Rupp, with SCS & SS for SCS
(pending) | SB 254-Stouffer, with SCS |
| SB 175-Munzlinger, et al, with SA 1
(pending) | SB 278-Munzlinger, et al |
| | SB 280-Purgason, et al, with SCS & SS for SCS
(pending) |

HOUSE BILLS ON THIRD READING

HCS for HB 163, with SCS, SS for SCS & SA 1
(pending) (Pearce)

RESOLUTIONS

Reported from Committee

SR 179-Purgason

SCR 8-Rupp

To be Referred

SCR 13-Lembke

✓

Journal of the Senate

FIRST REGULAR SESSION

FORTY-FIFTH DAY—MONDAY, APRIL 4, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Walk in wisdom towards them that are without...Let your speech be always with grace.” (Colossians 4:5-6)

Gracious God, help us this week to be those “who walk in wisdom”. Help us that we might use our intelligence wisely in all the circumstances we find ourselves. May our daily behavior express warm hearts, kindly voices and an open hand for those in need about us. And let us be Your servants in all we do. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, March 31, 2011 was read and approved.

Senator Dempsey announced that photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

Senator Goodman requested unanimous consent of the Senate to correct the report made by the Committee on the Judiciary and Civil and Criminal Jurisprudence on March 31, 2011, by submitting the correct senate committee substitute for **SBs 394** and **331**, which request was granted.

RESOLUTIONS

Senator Munzlinger offered Senate Resolution No. 673, regarding Betty Kristofferson, Vandalia, which was adopted.

Senator Munzlinger offered Senate Resolution No. 674, regarding Randall Kristofferson, Vandalia, which was adopted.

Senator Munzlinger offered Senate Resolution No. 675, regarding Richard Porter, which was adopted.

Senator Munzlinger offered Senate Resolution No. 676, regarding Rhonda Remley, Laddonia, which was adopted.

Senator Wasson offered Senate Resolution No. 677, regarding the Christian County Emergency Services/Emergency 911/Communications Center, Ozark, which was adopted.

Senator Rupp offered Senate Resolution No. 678, regarding Jordan Paul Hespen, Defiance, which was adopted.

Senator Stouffer offered Senate Resolution No. 679, regarding the One Hundred Second Birthday of Irene Balke, Concordia, which was adopted.

Senator Schmitt offered Senate Resolution No. 680, regarding the One Hundredth Anniversary of the Eagle Bank and Trust Company of Missouri, which was adopted.

Senator Schmitt offered Senate Resolution No. 681, regarding Conor Gerard Schilling, Marlborough, which was adopted.

Senator Richard offered Senate Resolution No. 682, regarding the One Hundred First Birthday of Emilia Cramsey, Sarcxie, which was adopted.

Senator Mayer offered Senate Resolution No. 683, regarding Phillip Britt, 35th Circuit Treatment Court Commissioner, which was adopted.

Senator Schaefer offered Senate Resolution No. 684, regarding Timothy Robertson, Columbia, which was adopted.

Senator Crowell offered Senate Resolution No. 685, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Kermit Meystedt, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 686, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Eldon Boswell, Scott City, which was adopted.

Senator Crowell offered Senate Resolution No. 687, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Albert Enderle, Oran, which was adopted.

Senator Rupp offered Senate Resolution No. 688, regarding Theodore Adam Campbell, St. Peters, which was adopted.

Senator Engler offered Senate Resolution No. 689, regarding Pat Jones, Williamsburg, which was adopted.

Senator Engler offered Senate Resolution No. 690, regarding Lisa G. Hubbard, which was adopted.

Senator Engler offered Senate Resolution No. 691, regarding Dr. Connie S. Waters, Farmington, which was adopted.

Senator Engler offered Senate Resolution No. 692, regarding Michael Yount, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Pearce moved that **SB 81**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 81**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 81

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to fine arts education.

Was taken up.

Senator Pearce moved that **SCS** for **SB 81** be adopted, which motion prevailed.

On motion of Senator Pearce, **SCS** for **SB 81** was declared perfected and ordered printed.

Senator Lager assumed the Chair.

Senator Cunningham moved that **SB 54**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 54**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 54

An Act to repeal sections 37.710, 160.261, 168.021, 168.071, 168.133, 210.135, 210.145, 210.152, 210.915, 210.922, and 556.037, RSMo, and to enact in lieu thereof sixteen new sections relating to protecting children from sexual offenders, with penalty provisions.

Was taken up.

Senator Cunningham moved that **SCS** for **SB 54** be adopted.

Senator McKenna offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 54, Page 11, Section 160.262, Line 35, by inserting immediately after said line the following:

“160.2100. 1. Sections 160.2100 and 160.2110 shall be known and may be cited as “Erin's Law”.

2. The “Task Force on the Prevention of Sexual Abuse of Children” is hereby created to study the issue of sexual abuse of children until January 1, 2013. The task force shall consist of all of the following members:

- (1) One member of the general assembly appointed by the president pro tem of the senate;**
- (2) One member of the general assembly appointed by the minority floor leader of the senate;**
- (3) One member of the general assembly appointed by the speaker of the house of**

representatives;

(4) One member of the general assembly appointed by the minority leader of the house of representatives;

(5) The director of the department of social services or his or her designee;

(6) The commissioner of education or his or her designee;

(7) The director of the department of health and senior services or his or her designee;

(8) The director of the office of prosecution services or his or her designee;

(9) A representative representing law enforcement appointed by the governor;

(10) Three active teachers employed in Missouri appointed by the governor;

(11) A representative of an organization involved in forensic investigation relating to child abuse in this state appointed by the governor;

(12) A school superintendent appointed by the governor;

(13) A representative of the state domestic violence coalition appointed by the governor;

(14) A representative from the juvenile and family court appointed by the governor;

(15) A representative from Missouri Network of Child Advocacy Centers appointed by the governor;

(16) An at-large member appointed by the governor.

3. Members of the task force shall be individuals who are actively involved in the fields of the prevention of child abuse and neglect and child welfare. The appointment of members shall reflect the geographic diversity of the state.

4. The task force shall elect a presiding officer by a majority vote of the membership of the task force. The task force shall meet at the call of the presiding officer.

5. The task force shall make recommendations for reducing child sexual abuse in Missouri. In making those recommendations, the task force shall:

(1) Gather information concerning child sexual abuse throughout the state;

(2) Receive reports and testimony from individuals, state and local agencies, community-based organizations, and other public and private organizations;

(3) Create goals for state policy that would prevent child sexual abuse; and

(4) Submit a final report with its recommendations to the governor, general assembly, and the state board of education by January 1, 2013.

6. The recommendations may include proposals for specific statutory changes and methods to foster cooperation among state agencies and between the state and local government.

7. The task force shall consult with employees of the department of social services, the department of public safety, department of elementary and secondary education, and any other state agency, board, commission, office, or department as necessary to accomplish the task force's responsibilities under this section.

8. The members of the task force shall serve without compensation and shall not be reimbursed for their expenses.

9. The provisions of sections 160.2100 and 160.2110 shall expire on January 1, 2013.

160.2110. 1. The task force on the prevention of sexual abuse of children established in section 160.2100 may adopt and implement a policy addressing sexual abuse of children that may include:

(1) Age-appropriate curriculum for students in pre-K through fifth grade;

(2) Training for school personnel on child sexual abuse;

(3) Educational information to parents or guardians provided in the school handbook on the warning signs of a child being abused, along with any needed assistance, referral, or resource information;

(4) Available counseling and resources for students affected by sexual abuse; and

(5) Emotional and educational support for a child of abuse to continue to be successful in school.

2. Any policy adopted may address without limitation:

(1) Methods for increasing teacher, student, and parent awareness of issues regarding sexual abuse of children, including knowledge of likely warning signs indicating that a child may be a victim of sexual abuse;

(2) Actions that a child who is a victim of sexual abuse could take to obtain assistance and intervention; and

(3) Available counseling options for students affected by sexual abuse.”; and

Further amend the title and enacting clause accordingly.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator Cunningham moved that **SCS for SB 54**, as amended, be adopted, which motion prevailed.

On motion of Senator Cunningham, **SCS for SB 54**, as amended, was declared perfected and ordered printed.

At the request of Senator Crowell, **SB 200** was placed on the Informal Calendar.

At the request of Senator Kraus, **SB 72** was placed on the Informal Calendar.

At the request of Senator Lembke, **SB 36** was placed on the Informal Calendar.

At the request of Senator Schaefer, **SB 322** was placed on the Informal Calendar.

Senator Brown moved that **SB 29**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for SB 29, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 29**

An Act to repeal sections 338.010, 338.140, 338.150, 338.210, 338.220, and 338.240, RSMo, and to enact in lieu thereof six new sections relating to veterinary legend drugs.

Was taken up.

Senator Brown moved that **SCS** for **SB 29** be adopted.

Senator Schaaf offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 29, Page 7, Section 338.240, Line 15, by inserting after the word “sold” the following:

“. Except that a person or company in the business of providing supplies for animals, including veterinary legend drugs, that has been in continuous operation since January 1, 1975 shall not be subject to the provisions of this subdivision”.

Senator Schaaf moved that the above amendment be adopted, which motion prevailed.

Senator Brown moved that **SCS** for **SB 29**, as amended, be adopted, which motion prevailed.

On motion of Senator Brown, **SCS** for **SB 29**, as amended, was declared perfected and ordered printed.

At the request of Senator Munzlinger, **SJR 11**, with **SCS**, was placed on the Informal Calendar.

Senator Stouffer moved that **SB 118** be taken up for perfection, which motion prevailed.

Senator Stouffer offered **SS** for **SB 118**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 118

An Act to repeal section 198.074, RSMo, and to enact in lieu thereof one new section relating to sprinkler system requirements in long-term care facilities.

Senator Stouffer moved that **SS** for **SB 118** be adopted, which motion prevailed.

On motion of Senator Stouffer, **SS** for **SB 118** was declared perfected and ordered printed.

Senator Brown moved that **SB 177**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 177**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 177

An Act to repeal sections 630.053, 630.095, and 630.167, RSMo, and to enact in lieu thereof three new sections relating to the department of mental health.

Was taken up.

Senator Brown moved that **SCS** for **SB 177** be adopted.

Senator Brown offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 177, Page 1, Section 630.053, Line 11, by striking “and 4” and inserting in lieu thereof the following: “**, 4, and 5**”.

Senator Brown moved that the above amendment be adopted, which motion prevailed.

Senator Brown moved that **SCS** for **SB 177**, as amended, be adopted, which motion prevailed.

On motion of Senator Brown, **SCS** for **SB 177**, as amended, was declared perfected and ordered printed.

At the request of Senator Brown, **SB 241** was placed on the Informal Calendar.

At the request of Senator Schaefer, **SB 323**, with **SCS**, was placed on the Informal Calendar.

Senator Keaveny moved that **SB 59** be taken up for perfection, which motion prevailed.

On motion of Senator Keaveny, **SB 59** was declared perfected and ordered printed.

Senator Keaveny moved that **SB 60**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 60**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 60

An Act to repeal sections 404.710, 456.3-301, 456.8-813, 469.411, 469.437, and 469.459, RSMo, and to enact in lieu thereof six new sections relating to fiduciaries.

Was taken up.

Senator Keaveny moved that **SCS** for **SB 60** be adopted, which motion prevailed.

On motion of Senator Keaveny, **SCS** for **SB 60** was declared perfected and ordered printed.

At the request of Senator Schaefer, **SB 70**, with **SCS**, was placed on the Informal Calendar.

Senator Goodman moved that **SB 165**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 165**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 165

An Act to repeal sections 477.650 and 488.031, RSMo, and to enact in lieu thereof two new sections relating to the basic civil legal services fund.

Was taken up.

Senator Goodman moved that **SCS** for **SB 165** be adopted, which motion failed.

On motion of Senator Goodman, **SB 165** was declared perfected and ordered printed.

Senator Justus moved that **SB 116** be taken up for perfection, which motion prevailed.

On motion of Senator Justus, **SB 116** was declared perfected and ordered printed.

SB 10 was placed on the Informal Calendar.

SB 9 was placed on the Informal Calendar.

Senator Pearce assumed the Chair.

At the request of Senator Lager, **SB 208** was placed on the Informal Calendar.

At the request of Senator Lager, **SB 209** was placed on the Informal Calendar.

At the request of Senator Nieves, **SJR 15** was placed on the Informal Calendar.

Senator Schaefer moved that **SB 147** be taken up for perfection, which motion prevailed.

Senator Cunningham offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 147, Page 1, In the Title, Line 3 of the title, by striking the words “gifted education” and inserting in lieu thereof the following: “the school accountability report card”; and

Further amend said bill, Page 2, Section 160.522, Line 29 by striking the first occurrence of the word “and”; and inserting in lieu thereof the following: “**including the number of applications or resumes received by the school district for a teaching position from individuals who have obtained a baccalaureate or master's degree in the area of mathematics, engineering, technology, or science, or individuals who have obtained a certificate of license to teach based on certification by the American Board for Certification of Teacher Excellence or had a career specialty in the fields of mathematics, engineering, technology, or science, and the number of such individuals employed by the school district. The information shall also include**”.

Senator Cunningham moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Schaefer, **SB 147**, as amended, was declared perfected and ordered printed.

Senator Lembke moved that **SJR 10** be taken up for perfection, which motion prevailed.

On motion of Senator Lembke, **SJR 10** was declared perfected and ordered printed.

Senator Rupp moved that **SB 9** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Rupp offered **SS** for **SB 9**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 9

An Act to repeal sections 130.047, 407.1095, 407.1098, 407.1101, 407.1104, 407.1107, and 407.1110, RSMo, and to enact in lieu thereof nine new sections relating to telephone calls.

Senator Rupp moved that **SS** for **SB 9** be adopted, which motion prevailed.

On motion of Senator Rupp, **SS** for **SB 9** was declared perfected and ordered printed.

REFERRALS

President Pro Tem Mayer referred **SCR 13** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 1, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Anthony Bologna, Democrat, 432 Kings Ridge, Liberty, Clay County, Missouri 64068, as a member and Chair of the Clay County Board of Election Commissioners, for a term ending June 15, 2013, and until his successor is duly appointed and qualified; vice, Gerald Lee Randall, deceased.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 1, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Joseph Cavato, Democrat, 7101 Cambridge Avenue, University City, Saint Louis County, Missouri 63130, as a member of the Health and Educational Facilities Authority, for a term ending July 30, 2013, and until his successor is duly appointed and qualified; vice, Donald Thompson, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 1, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Catherine Crum-Thompson, Independent, 1919 Green Meadow, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri Women's Council, for a term ending December 6, 2013, and until her successor is duly appointed and qualified; vice, Michelle Esswein, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 1, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Cecilia Davis, 508 Vivian Street, Liberty, Clay County, Missouri 64068, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2012, and until her successor is duly appointed and qualified; vice, Mary L. Buren, resigned.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

April 1, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Gerard Grimaldi, 12206 Washington Court, Kansas City, Jackson County, Missouri 64145, as a member of the MO HealthNet Oversight Committee, for a term ending October 30, 2011, and until his successor is duly appointed and qualified; vice, Steven Lipstein, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

April 1, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Bryan Hampton, 1155 Spencer Hill Drive, Saint Peters, Saint Charles County, Missouri 63376, as a member of the Crime Laboratory Review Commission, for a term ending April 1, 2015, and until his successor is duly appointed and qualified; vice, MO RSMo 650.059.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

April 1, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

William Hopfinger, 12001 Foursome Place, Sunset Hills, Saint Louis County, Missouri 63128, as a member of the Advisory Commission for Physical Therapists, for a term ending May 9, 2012, and until his successor is duly appointed and qualified; vice, William Hopfinger, reappointed.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

April 1, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Ted Hunt, 1200 West Gregory Boulevard, Kansas City, Jackson County, Missouri 64114, as a member of the Crime Laboratory Review

Commission, for a term ending April 1, 2013, and until his successor is duly appointed and qualified; vice, MO RSMO 650.059.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 1, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Thomas McVeigh, 3412 Northeast State Route 92, Smithville, Clay County, Missouri 64089, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 20, 2012, and until his successor is duly appointed and qualified; vice, William Horn, resigned.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 1, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Shane Mecham, 6429 North Amoret Avenue, Kansas City, Platte County, Missouri 64151, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2013, and until his successor is duly appointed and qualified; vice, Reginald Turnbull, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 1, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Mary Ellen Miller, Democrat, 37 Anchor Drive, Lake Tapawingo, Jackson County, Missouri 64015, as a member and Chair of the Jackson County Board of Election Commissioners, for a term ending April 2, 2014, and until her successor is duly appointed and qualified; vice, Charles Dumsky, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 1, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jenifer Placzek, Democrat, 5459 East Dunrobin, Springfield, Greene County, Missouri 65809, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2015, and until her successor is duly appointed and qualified; vice, Adolfo Castillo, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 1, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Lisa Reynolds-Korobey, 439 Bridget Drive, Saint Louis, Saint Louis County, Missouri 63125, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2013, and until her successor is duly appointed and qualified; vice, W. Craig McGuire, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 1, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michael Sparks, 17 Hickory Court, Arnold, Jefferson County, Missouri 63010, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2013, and until his successor is duly appointed and qualified; vice, Donna English, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 1, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Thomas Springer, 49 Forest Glen, Kirkwood, Saint Louis County, Missouri 63122, as a member of the Missouri State Board of

Accountancy, for a term ending January 1, 2013, and until his successor is duly appointed and qualified; vice, Sandra Thomas, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 1, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Suzanne Taggart, 24010 Highway D, California, Moniteau County, Missouri 65018, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2013, and until her successor is duly appointed and qualified; vice, Suzanne Taggart, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 1, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michael Whitehead, Republican, 4613 Northeast Jamestown Drive, Lee's Summit, Jackson County, Missouri 64064, as a member of the Jackson County Board of Election Commissioners, for a term ending April 4, 2014, and until his successor is duly appointed and qualified; vice, Michael Whitehead, reappointed.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Mayer referred the above appointments to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 344**, entitled:

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to the farm-to-table advisory board.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 462**, entitled:

An Act to repeal section 386.850, RSMo, relating to the Missouri energy task force.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 503**, entitled:

An Act to repeal sections 115.123 and 115.755, RSMo, and to enact in lieu thereof one new section relating to public election dates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 578**, entitled:

An Act to amend chapter 260, RSMo, by adding thereto one new section relating to the disposal of tires.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 15**.

HOUSE CONCURRENT RESOLUTION NO. 15

WHEREAS, baseball players called him “Skip” because John Jordan “Buck” O’Neil was the captain of the ship that sent more Negro League veterans ashore to the white Majors than any man in baseball history; and

WHEREAS, Buck O’Neil played briefly in 1937 with the Memphis Red Sox and debuted as a first baseman for the Kansas City Monarchs in 1938. In 1942, O’Neil led the Monarchs to a Negro American League title, hitting .353 during the Negro World Series in the Monarchs four-game sweep of the Homestead Grays; and

WHEREAS, O’Neil’s achievements included being named to the East-West All-Star Classic in 1942, 1943, and 1949, managing the West squad in 1950, 1953, 1954, and 1955, and playing for the 1946 Satchel Paige All Stars; and

WHEREAS, in 1944, O’Neil enlisted for a two-year stint with the United States Navy, briefly interrupted his playing career. He returned to the Monarchs in 1946, admitting that he regretted the fact that he was not a member of the Monarchs in 1945 when the great Jackie Robinson played in Kansas City before signing with the Brooklyn Dodgers; and

WHEREAS, in 1948, O’Neil succeeded Frank Duncan as manager of the Kansas City Monarchs, continuing to manage the team until 1955. He guided the Monarchs to league titles in 1948, 1950, 1951, and 1953; and

WHEREAS, in 1956, O’Neil was hired by the Chicago Cubs as a scout, helping the team sign future Hall of Famer Lou Brock, and superstars Oscar Gamble, Lee Smith, and Joe Carter;

WHEREAS, O’Neil’s greatest achievement came in 1962 when he became the first African-American coach in the Major Leagues with

the Cubs. After 33 years as a Cubbie, he returned home in 1988 to scout for the Kansas City Royals; and

WHEREAS, in 1990, O'Neil began raising money for a museum to preserve and celebrate the history of the Negro Leagues. His efforts led to the opening of the Negro League Baseball Museum in Kansas City, serving as Chair of the Board of Directors from 1990 until his death in 2006. O'Neil also served on the Veterans' Committee of the National Baseball Hall of Fame, was posthumously awarded the Presidential Medal of Freedom, and is a member of the Missouri Sports Hall of Fame; and

WHEREAS, O'Neil gained national prominence with his compelling descriptions of the Negro Leagues as part of Ken Burns' 1994 PBS documentary on baseball; and

WHEREAS, on April 2, 2007, the Kansas City Royals honored O'Neil by placing a fan in the Buck O'Neil Legacy Seat in Kauffman Stadium each game who best exemplifies O'Neil's spirit. The seat is a red seat amidst the all-blue seats behind home plate in Section 127, Seat 9, Row C. The first person to sit in "Buck's seat" was Buck O'Neil's brother, Warren; and

WHEREAS, Buck O'Neil will be remembered as the first African-American coach in Major League Baseball and as one of the finest players in the Negro Leagues. Through his willingness to share his memories of the Negro Leagues, fans everywhere have a greater understanding and deeper appreciation for a significant period in baseball history:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, First Regular Session, the Senate concurring therein, hereby designate November 13, 2011, as "Buck O'Neil Day" in Missouri and recommends to the people of the state that the day be appropriately observed with activities, events, and ceremonies in honor of the first African-American coach in Major League Baseball; and

BE IT FURTHER RESOLVED that the General Assembly requests that the Governor issue a proclamation setting apart November 13, 2011, as "Buck O'Neil Day" in Missouri; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for Governor Jay Nixon.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 33**.

HOUSE CONCURRENT RESOLUTION NO. 33

WHEREAS, while war deaths have been a part of our heritage since the birth of this nation, the United States has not instituted an official symbol commemorating fallen servicepersons; and

WHEREAS, H.R. 1034 was introduced in the 111th Congress designating the Honor and Remember Flag, created by Honor and Remember, Inc., as an official recognition and in honor of fallen members of the United States Armed Forces; and

WHEREAS, the Honor and Remember Flag's red field represents the brave men and women who sacrificed their lives for freedom. The flag's blue star is a symbol of active service in military conflict that dates back to World War I. The flag's white border recognizes the purity of sacrifice. The flag's gold star signifies the ultimate sacrifice of a warrior in active service who is not returning home and reflects the value of the life given. The folded flag element highlights this nation's final tribute to a fallen serviceperson and a family's sacrifice. The flag's flame symbolizes the eternal spirit of the departed; and

WHEREAS, the Honor and Remember Flag is a unifying symbol recognizing this nation's solemn debt to the estimated 1.6 million fallen servicepersons throughout history and the families and communities who mourn their loss:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, First Regular Session, the Senate concurring therein, hereby designates the Honor and Remember Flag as the State of Missouri's emblem of service and sacrifice by the brave men and women of the United States Armed Forces who have given their lives in the line of duty and urges the United States Congress to enact a similar resolution; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for Missouri Veterans Commission and each member of the Missouri Congressional Delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 34**.

HOUSE CONCURRENT RESOLUTION NO. 34

WHEREAS, the Mark Twain National Forest, the only national forest in Missouri, is 1.5 million acres spread across 29 counties, with 1.4 million acres open to public hunting, 14 floatable streams, and 16 lakes ranging from 3 to 44 acres; and

WHEREAS, the Mark Twain National Forest is located in southern and central Missouri, and extends from the St. Francois Mountains in the southeast to dry rocky glades in the southwest, from the prairies lands along the Missouri River to the nation's most ancient mountains in the south; and

WHEREAS, the Mark Twain National Forest is popular with hunters, trappers, anglers, and persons who enjoy observing, studying, and photographing wildflowers and wildlife; and

WHEREAS, the Mark Twain National Forest has approximately 320 species of birds, 75 species of mammals, and 125 species of amphibians and reptiles; and

WHEREAS, named after Missouri native, Mark Twain, the National Forest gets a variety of visitors through the year, including spring and fall, when color changes the forest; and

WHEREAS, on January 8, 2009, the United States Forest Service Travel Management Rule, 36 CFR 212, Subpart B, became effective. This Rule requires each national forest or ranger district to designate those roads, trails, and areas open to motor vehicles; and

WHEREAS, the designations under the Rule include class of vehicle and, where appropriate, time of year for motor vehicle use; and

WHEREAS, once these designations are completed, the Rule will prohibit motor vehicle use off the designated system or inconsistent with the designations; and

WHEREAS, these designations will be made locally, with public input and in coordination with state, local, and tribal governments; and

WHEREAS, these designations will be shown on a motor vehicle map, with any use inconsistent with those designations prohibited; and

WHEREAS, the Travel Management Rule limits access to areas of the forest, especially for the disabled and elderly. Many disabled and elderly persons enjoy hunting, fishing, and observing nature and wildlife; and

WHEREAS, many areas of the forest are only accessible by hiking, so further restrictions on motor vehicle usage in the National Forest will significantly reduce access to the wide range of learning and recreational opportunities available in the Mark Twain National Forest:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, First Regular Session, the Senate concurring therein, hereby urge the United States Forest Service to amend or rescind the Travel Management Rule, 36 CFR 212, Subpart B, and allow an increase in motor vehicle access to areas of the Mark Twain National Forest; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for Tom Tidwell, Chief of the United States Forest Service, and each member of the Missouri Congressional Delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 11**.

HOUSE CONCURRENT RESOLUTION NO. 11

WHEREAS, more than 4,000,000 Americans served in World War I; and

WHEREAS, there is no nationally recognized memorial honoring the service of those over 4,000,000 Americans; and

WHEREAS, in 1919, the people of Kansas City, Missouri, expressed an outpouring of support and raised more than \$2 million in two weeks for a memorial to the service of Americans who served in World War I. This fund was an accomplishment unparalleled by any other city in the United States, irrespective of population; and

WHEREAS, on November 1, 1921, more than 100,000 people witnessed the dedication of the site for the Liberty Memorial in Kansas

City, Missouri; and

WHEREAS, General of the Armies John J. Pershing, a native of Missouri and the Commander of the American Expeditionary Forces in World War I, noted at the November 1, 1921, dedication that “the people of Kansas City, Missouri, are deeply proud of the beautiful memorial, erected in tribute to the patriotism, the gallant achievements, and the heroic sacrifices of their sons and daughters who served in our country’s armed forces during the World War. It symbolized their grateful appreciation of duty well done, an appreciation which I share, because I know so well how richly it is merited”; and

WHEREAS, the 217 foot Liberty Memorial Tower has an inscription that reads, “In Honor of Those Who Served in the World War in Defense of Liberty and Our Country” as well as four stone “Guardian Spirits” representing courage, honors, patriotism, and sacrifices, which rise above the observation deck, making the Liberty Memorial a noble tribute to all who served in World War I; and

WHEREAS, the 106th Congress recognized the Liberty Memorial as a national symbol of World War I; and

WHEREAS, the 108th Congress designated the museum at the base of the Liberty Memorial as “American’s National World War I Museum”; and

WHEREAS, the American’s World War I Museum is the only public museum in the United States specifically dedicated to the history of World War I; and

WHEREAS, the National World War I Museum is known throughout the world as a major center of World War I remembrance:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, First Regular Session, the Senate concurring therein, hereby urges the United States Congress to designate the Liberty Memorial, Kansas City, Missouri, at the National World War I Museum in Kansas City, Missouri, as the “National World War I Memorial”; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Majority Leader and Minority Leader of the United States Senate and United States House of Representatives, and each member of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 7**.

HOUSE CONCURRENT RESOLUTION NO. 7

WHEREAS, women have served honorably and with courage in all of America’s wars and conflicts since the American Revolution; and

WHEREAS, the United States military has evolved from a predominantly male force to a force of over 14% women who are currently serving on active duty, and nearly 17% serving in the Reserves and National Guard; and

WHEREAS, the population of women veterans is increasing exponentially from 1.1 million in 1980 to a projection of nearly 2 million by 2020, and will comprise more than 10% of the veteran population; and

WHEREAS, the projected population of male veterans is expected to continue to decline; and

WHEREAS, given that an unprecedented number of women are serving in the military and participating in Operation Enduring Freedom and Operation Iraqi Freedom, the United States Department of Veterans Affairs (VA) is working to provide consistent, comprehensive, and quality health care and benefits to women veterans of all eras; and

WHEREAS, the number of women veterans has increased over the last decade because there is an increasing number and proportion of women who are entering and leaving the military, and women are living longer than men and have a younger age distribution compared to male veterans; and

WHEREAS, even though the VA has been at the forefront of health care and lifestyle solutions affecting an aging male population, there is now a growing need to improve health care services for women veterans, ensure clinicians are properly trained to provide primary care and gender specific care to women of all ages, and identify innovative courses of treatment and solutions to obstacles that are unique to women veterans; and

WHEREAS, with a rapidly increasing number of women serving in the military today and returning from deployments as seasoned veterans, and some with exposure to combat, VA facilities and veterans service organizations are working to ensure that the post-deployment mental and physical health needs unique to women veterans are also met; and

WHEREAS, even though the roles of women in the military have changed over time and will continue to change, they deserve to be acknowledge for their military service and treated with equal respect:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninety-sixth General Assembly, First Regular Session, the Senate concurring therein, hereby encourages the Missouri Veterans Commission and its women veterans state coordinator to work in conjunction with the National Foundation for Women Legislators and the Center for Women Veterans at the United States Department of Veterans Affairs to reach out to all women veterans within the State of Missouri to encourage them to bring their specific needs and concerns to the attention of agency officials so that state legislators and agency officials may work together to identify unique issues impacting women veterans and consider policy solutions that will improve the quality of life for women veterans within this state; and

BE IT FURTHER RESOLVED that the Missouri General Assembly formally honors all of the women in this state who have heroically answered their call to duty and recognizes the important role women have played in shaping this great nation; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Missouri Veterans Commission.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCS** for **HCR 17**.

HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE CONCURRENT RESOLUTION NO. 17

WHEREAS, the United States Corps of Engineers' five-year study of the Upper Mississippi River Basin, which is everything north of Cairo, Illinois, failed to produce a plan for flood control acceptable to all stakeholders; and

WHEREAS, the Mississippi River Commission did recommend Plan H to the United States Congress; and

WHEREAS, the Corps of Engineers has not recommended this plan to the United States Congress, citing the expense of the construction of 500-year levees along these Rivers (estimated to be \$6 billion) as it does not meet current cost-benefit guidelines for federal funding; and

WHEREAS, the Corps of Engineers additionally determined a need for a better data based upon new hydrology and flow studies and the need to study tributaries to the Mississippi River; and

WHEREAS, the Corps of Engineers indicated that ramifications of the additional 500-year levees and their potential to cause additional flooding would need to be determined, and affected populations and communities informed and advised of the potential impact; and

WHEREAS, the affected counties include the Missouri counties of Lincoln, Pike, and St Charles; and

WHEREAS, Plan H designates only about half of the levees in the Missouri counties of Lincoln, Pike, and St. Charles be raised, while to the north a higher percentage of 500-year levees are recommended for both sides of the River; and

WHEREAS, the stakeholders in the Missouri counties of Lincoln, Pike, and St. Charles desire the protections provided by the 500-year levees; and

WHEREAS, the proposed Plan H, if implemented, denies the benefits of 500-year levees to those making a living along the Mississippi River, negatively impacting agriculture, transportation, businesses, industries, tourism, hunting, fishing, boating, infrastructures, and residences; and

WHEREAS, over 6,500 citizens have signed petitions opposing the proposed Plan H; and

WHEREAS, the Upper Mississippi River Basin should receive funding comparable to funding for the Southern Mississippi River Basin from Cairo, Illinois, to New Orleans, Louisiana:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, First Regular Session, the Senate concurring therein, hereby strongly urge the United States Congress to support a comprehensive plan for the Upper Mississippi River Basin that enhances system-wide flood control without creating adverse impacts on existing levees, levee districts, rural communities, and metropolitan areas. The plan should be based on analysis that quantify the impacts of enhanced flood control measures and acknowledges the importance of keeping agricultural land in production. The proposed Plan H is totally unacceptable to Lincoln, Pike, and St. Charles Counties and we ask the Missouri Congressional Delegation to support modifications of the comprehensive plan, by the Corps of Engineers, to this plan; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for each member of the Missouri Congressional Delegation.

In which the concurrence of the Senate is respectfully requested.

INTRODUCTIONS OF GUESTS

On behalf of Senator Munzlinger and himself, Senator Pearce introduced to the Senate, Jerry and Pat Byrn, Greentop.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-SIXTH DAY—TUESDAY, APRIL 5, 2011

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 434-Nolte	HCS for HBs 187 & 54
HCS for HB 475	HB 263-Weter
HB 423-Burlison, et al	HCS for HB 287
HCS for HB 38	HB 340-Klippenstein, et al
HB 68-Scharnhorst	HCS for HB 344
HB 98-Ruzicka	HB 462-Pollock
HB 118-Peters-Baker	HB 503-Dugger, et al
HB 183-Silvey	HCS for HB 578

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna (In Fiscal Oversight)	SS for SCS for SB 65-Mayer (In Fiscal Oversight)
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SENATE BILLS FOR PERFECTION

1. SB 390-Schmitt, et al	4. SB 25-Schaaf, with SCS
2. SBs 189, 217, 246, 252 & 79-Schmitt, with SCS	5. SB 356-Munzlinger, with SCS
3. SB 231-Lager, et al	6. SB 368-Stouffer, with SCS
	7. SBs 369 & 370-Cunningham, with SCS

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|-------------------------------------|---|
| 8. SB 351-Lamping, with SCS | 17. SB 213-Schaefer, with SCS |
| 9. SB 90-Dempsey | 18. SB 420-Mayer, with SCS |
| 10. SB 122-Schaaf, with SCS | 19. SB 286-McKenna |
| 11. SB 100-Stouffer, with SCS | 20. SB 268-Stouffer |
| 12. SB 117-Engler, with SCS | 21. SB 228-Pearce |
| 13. SBs 26 & 106-Wasson, with SCS | 22. SBs 291, 184 & 294-Pearce, with SCS |
| 14. SBs 394 & 331-Goodman, with SCS | 23. SBs 88 & 82-Schaaf, with SCS |
| 15. SB 366-Goodman, with SCS | 24. SB 299-Munzlinger, with SCS |
| 16. SB 237-Schaefer | |

HOUSE BILLS ON THIRD READING

HCS for HB 14, with SCS (Schaefer)

HB 15-Silvey (Schaefer)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SENATE BILLS FOR PERFECTION

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| SBs 1 & 206-Ridgeway, with SCS & SA 1
(pending) | SB 203-Schmitt, et al, with SS (pending) |
| SBs 7, 5, 74 & 169-Goodman, with SCS | SB 204-Dempsey, et al |
| SB 10-Rupp | SB 208-Lager |
| SB 23-Keaveny, with SCS & SS for SCS
(pending) | SB 209-Lager |
| SB 28-Brown | SB 241-Brown and Wasson |
| SB 36-Lembke | SB 242-Cunningham, with SCS & SS for SCS
(pending) |
| SB 37-Lembke, with SCS | SB 247-Pearce, with SS (pending) |
| SB 70-Schaefer, with SCS | SB 254-Stouffer, with SCS |
| SB 72-Kraus | SB 278-Munzlinger, et al |
| SB 120-Stouffer | SB 280-Purgason, et al, with SCS & SS for SCS
(pending) |
| SB 130-Rupp, with SCS & SS for SCS (pending) | SB 322-Schaefer |
| SB 175-Munzlinger, et al, with SA 1 (pending) | SB 323-Schaefer, with SCS |
| SB 176-Munzlinger, et al | SJR 11-Munzlinger, with SCS |
| SB 200-Crowell | SJR 15-Nieves, et al |
| SB 202-Crowell | |

HOUSE BILLS ON THIRD READING

HCS for HB 163, with SCS, SS for SCS & SA 1
(pending) (Pearce)

RESOLUTIONS

Reported from Committee

SR 179-Purgason

SCR 8-Rupp

To be Referred

HCR 15-Brown (50), et al
HCR 33-Davis, et al
HCR 34-Hampton, et al

HCR 11-Nolte, et al
HCR 7-Walton Gray, et al
HCS for HCR 17

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Journal of the Senate

FIRST REGULAR SESSION

FORTY-SIXTH DAY—TUESDAY, APRIL 5, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“If we live in the spirit, let us walk in the spirit.” (Galatians 5:25)

Heavenly Father, we know that “to walk in the Spirit” is good spiritual exercise - the exercise of “love, joy, peace, gentleness and faith”. The exercise of daily prayer and meditation on Your Holy Word helps to create a spiritual climate that insures health of our souls and vigor of our daily living. So grant us this day fruits of the Spirit along with Your abiding presence as we seek to serve You in this place. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator McKenna offered Senate Resolution No. 693, regarding Karen Jean “Kay Kay” Koerber, Saint Louis, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS for SB 177; SB 165; SB 147; SS for SB 118; SB 116; SCS for SB 81; SCS for SB 60; SB 59; SCS for SB 54; SCS for SB 29; SJR 10; and SS for SB 9**, begs leave to report that it has examined the same and finds that the bills and joint resolution have been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Schmitt moved that **SB 390** be taken up for perfection, which motion prevailed.

Senator Pearce assumed the Chair.

Senator Stouffer assumed the Chair.

At the request of Senator Schmitt, **SB 390** was placed on the Informal Calendar.

Senator Kraus moved that **SB 72** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Kraus offered **SS for SB 72**, entitled:

**SENATE SUBSTITUTE FOR
SENATE BILL NO. 72**

An Act to amend chapter 27, RSMo, by adding thereto one new section relating to federal enforcement of immigration laws, with a referendum clause.

Senator Kraus moved that **SS for SB 72** be adopted.

At the request of Senator Kraus, **SB 72**, with **SS** (pending), was placed on the Informal Calendar.

REFERRALS

President Pro Tem Mayer referred **SJR 10** and **SCS for SB 54** to the Committee on Ways and Means and Fiscal Oversight.

On motion of Senator Dempsey, the Senate recessed until 3:10 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Pearce.

RESOLUTIONS

Senator Wasson offered Senate Resolution No. 694, regarding the Ninetieth Birthday of Curtis H. Wommack, Nixa, which was adopted.

Senator Munzlinger offered Senate Resolution No. 695, regarding Gary Godfrey, which was adopted.

Senator Goodman offered Senate Resolution No. 696, regarding Blue Eye High School, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Nieves moved that **SJR 15** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

At the request of Senator Nieves, **SJR 15** was placed on the Informal Calendar.

Senator Schaefer moved that **SB 70**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 70**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 70

An Act to repeal sections 402.199, 402.200, 402.205, 402.210, 402.215, 402.217, 402.220, 473.657, and 475.093, RSMo, and to enact in lieu thereof twelve new sections relating to the Missouri family trust.

Was taken up.

Senator Schaefer moved that **SCS** for **SB 70** be adopted.

At the request of Senator Schaefer, **SB 70**, with **SCS**, was placed on the Informal Calendar.

SB 189, **SB 217**, **SB 246**, **SB 252** and **SB 79**, with **SCS**, were placed on the Informal Calendar.

Senator Lager moved that **SB 231** be taken up for perfection, which motion prevailed.

Senator Lager offered **SS** for **SB 231**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 231

An Act to amend chapter 85, RSMo, by adding thereto one new section relating to paid members of any fire department or fire district.

Senator Lager moved that **SS** for **SB 231** be adopted, which motion prevailed.

Senator Schmitt assumed the Chair.

On motion of Senator Lager, **SS** for **SB 231** was declared perfected and ordered printed.

Senator Dempsey announced that photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

Senator Schaaf moved that **SB 25**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 25**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 25

An Act to repeal sections 67.402, 226.720, and 479.011, RSMo, and to enact in lieu thereof four new sections relating to nuisances, with penalty provisions.

Was taken up.

Senator Schaaf moved that **SCS** for **SB 25** be adopted.

Senator Schaaf offered **SS** for **SCS** for **SB 25**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 25

An Act to repeal sections 67.402, 226.720, and 479.011, RSMo, and to enact in lieu thereof four new sections relating to enforcement of nuisance-related laws by public bodies, with penalty provisions.

Senator Schaaf moved that **SS** for **SCS** for **SB 25** be adopted.

At the request of Senator Schaaf, **SB 25**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

Senator Munzlinger moved that **SB 356**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 356**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 356

An Act to repeal sections 276.416, 276.421, 276.436, 276.441, 276.446, and 411.280, RSMo, and to enact in lieu thereof four new sections relating to grain sale and storage, with existing penalty provisions.

Was taken up.

Senator Munzlinger moved that **SCS** for **SB 356** be adopted, which motion prevailed.

On motion of Senator Munzlinger, **SCS** for **SB 356** was declared perfected and ordered printed.

Senator Schaefer moved that **SB 70**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Schaefer offered **SS** for **SCS** for **SB 70**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 70

An Act to repeal sections 402.199, 402.200, 402.205, 402.210, 402.215, 402.217, 402.220, 473.657, and 475.093, RSMo, and to enact in lieu thereof twelve new sections relating to the Missouri family trust.

Senator Schaefer moved that **SS** for **SCS** for **SB 70** be adopted, which motion prevailed.

On motion of Senator Schaefer, **SS** for **SCS** for **SB 70** was declared perfected and ordered printed.

Senator Stouffer moved that **SB 368**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 368**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 368

An Act to repeal sections 60.510, 60.530, 60.540, 60.550, 60.560, 60.580, 60.590, 60.595, 60.600, 60.610, 60.620, 60.653, 60.670, 261.023, and 640.010, RSMo, and to enact in lieu thereof fifteen new

sections relating to the state land survey program, with existing penalty provisions.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 368** be adopted, which motion prevailed.

On motion of Senator Stouffer, **SCS** for **SB 368** was declared perfected and ordered printed.

At the request of Senator Cunningham, **SB 369** and **SB 370**, with **SCS**, were placed on the Informal Calendar.

Senator Lamping moved that **SB 351**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 351**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 351

An Act to repeal section 453.121, RSMo, and to enact in lieu thereof two new sections relating to adoption records.

Was taken up.

Senator Lamping moved that **SCS** for **SB 351** be adopted.

Senator Lamping offered **SS** for **SCS** for **SB 351**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 351

An Act to repeal section 453.121, RSMo, and to enact in lieu thereof one new section relating to adoption records.

Senator Lamping moved that **SS** for **SCS** for **SB 351** be adopted.

Senator Goodman offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 351, Page 2, Section 453.121, Line 23, by inserting after the word “deceased.” the following:

“If the biological parents were married to each other at the time of the request for the identifying information or at the time of death of one of the biological parents, the information shall not be released until the death of the surviving biological parent, unless the surviving biological parent consents to such release.”

Senator Goodman moved that the above amendment be adopted, which motion prevailed.

Senator Lamping moved that **SS** for **SCS** for **SB 351**, as amended, be adopted, which motion prevailed.

On motion of Senator Lamping, **SS** for **SCS** for **SB 351**, as amended, was declared perfected and ordered printed.

Senator Dempsey moved that **SB 90** be taken up for perfection, which motion prevailed.

Senator Ridgeway offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 90, Page 1, In the Title, Lines 3-4 of the title, by striking the following: “health care benefits provided to Medicare eligible participants participating in”; and

Further amend said bill and page, Section A, Line 2, by inserting after all of said line the following:

“103.080. 1. As used in this section, the following terms shall mean:

(1) “Health savings account” or “account”, shall have the same meaning ascribed to it as in 26 U.S.C. Section 223(d), as amended;

(2) “High deductible health plan”, a policy or contract of health insurance or health care plan that meets the criteria established in 26 U.S.C. Section 223(c)(2), as amended, and any regulations promulgated thereunder.

2. Beginning with the open enrollment period for the 2009 plan year, the board shall offer to all qualified state employees and retirees, in addition to the plans currently offered including but not limited to health maintenance organization plans, preferred provider organization plans, copay plans, and participating public entities the option of receiving health care coverage through a high deductible health plan and the establishment of a health savings account. [In no instance shall a qualified employee or retiree be required to enroll in a high deductible health plan with a deductible greater than the minimum allowed by law, however, a qualified employee or retiree shall have the option to enroll in a high deductible health plan up to the maximum allowed by law.] The health savings account shall conform to the guidelines to be established by the Internal Revenue Service for the [2009] **current** tax year but in no case shall a qualified employee or retiree be required to contribute more than the minimum amount allowed by law. A qualified employee or retiree may contribute up to the maximum allowed by law. In order for a qualified individual to obtain a high deductible health plan through the Missouri consolidated health care plan, such individual shall present evidence, in a manner prescribed by regulation, to the board that he or she has established a health savings account in compliance with 26 U.S.C. Section 223, and any amendments and regulations promulgated thereto.

3. Beginning with the open enrollment period for the 2012 plan year, the high deductible health plan offered under subsection 2 of this section shall have a monthly subscriber premium that is at least fifty percent lower than the non-high deductible health plan chosen by a plurality of qualified employees. The amount of the annual deductible for the high deductible health plan offered under subsection 2 of this section shall be no greater than one hundred and twenty-five percent of the minimum annual deductible for self-only coverage and family coverage as established by the Internal Revenue Service for the current tax year. The sum of the annual deductible and the other annual out-of-pocket expenses required to be paid under a high deductible health plan offered under subsection 2 of this section shall not exceed the amount set forth by the Internal Revenue Service for the current tax year. The coverage afforded by the high deductible health plan, after the applicable deductible has been met, shall be substantially similar to the coverage provided by the non-high deductible health plan chosen by a plurality of qualified employees.

4. It is the intent of the Missouri general assembly to promote the use of consumer-driven health care plans such as health savings account compatible high deductible health plans by active state employees as an alternative to using traditional managed care plans. If, after the completion of the open enrollment period for the 2012 plan year, fewer than ten percent of Missouri's active state

employees have enrolled in a high deductible health plan described in this section, then the board shall offer a more competitive high deductible health plan with increased financial and coverage incentives, including but not limited to alternative annual deductibles, out-of-pocket expenses, and other health plan design features, all within the established federal guidelines, with the goal of having forty percent of Missouri's active state employees enrolling in a health savings account compatible high deductible health plan by the open enrollment period for the 2015 plan year.

5. The board is authorized to promulgate rules and regulations for the administration and implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

[4.] 6. The board shall issue a request for proposals from companies interested in offering a high deductible health plan in connection with a health savings account.”; and

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Dempsey, **SB 90**, as amended, was declared perfected and ordered printed.

Senator Schaaf moved that **SB 122**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 122**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 122

An Act to repeal section 354.535, RSMo, and to enact in lieu thereof three new sections relating to health insurance.

Was taken up.

Senator Schaaf moved that **SCS** for **SB 122** be adopted.

Senator Schaaf offered **SS** for **SCS** for **SB 122**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 122

An Act to repeal sections 190.839, 198.439, 208.437, 208.480, 338.550, 354.535, and 633.401, RSMo, and to enact in lieu thereof eleven new sections relating to health care.

Senator Schaaf moved that **SS** for **SCS** for **SB 122** be adopted.

At the request of Senator Schaaf, **SB 122**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

Senator Schaefer moved that **SB 322** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Schaaf offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 322, Page 1, Section 190.839, Line 2, by inserting after all of said line the following:

“191.1005. 1. Any provider who is subject to a reimbursement allowance or a provider tax shall be subject to the provisions of sections 191.1005 to 191.1011. For purposes of sections 191.1005 to 191.1011, the following terms shall mean:

(1) “Estimate of cost”, an estimate of the total cost and the out of pocket cost based on specific patient information or general assumptions about typical utilization and costs for medical services;

(2) “Insurer”, the same meaning as the term “health carrier” is defined in section 376.1350, and includes the state of Missouri for purposes of the rendering of health care services by providers under a medical assistance program of the state;

(3) “Provider”, the same meaning as such term is defined in section 376.1350.

2. For patients who do not have coverage under an individual or group health insurance policy or other third-party coverage arrangement, upon request by the patient, a provider shall be required to provide the patient a timely estimate of cost for any elective or nonemergent health care service to be performed by such provider. Such requirement shall not apply to emergency health care services. Any estimate of cost may include a disclaimer noting the actual amount billed may be different from the estimate of cost. Data regarding the estimate of cost may be provided to the public via the internet.

3. Every health carrier, as defined in section 376.1350, or third party benefit administrator shall, by July 1, 2012, utilize a web-based estimating system or other mechanism, by which covered individuals, or their parents or guardians, shall be able to enter, provide, or select from menus, the procedures, tests, or services the individual is considering having, and based upon the individual's benefit plan and the health carrier's internal data, receive timely estimates of the total cost and total out-of-pocket cost of the procedures, tests, or services specific to all available contracted providers or facilities for which such estimates are requested. The estimates of cost shall take into account any known unmet deductible obligation and shall be based upon assumptions of typical utilization and an assumption that, in the provision of the procedures, tests, or services, no complications or unexpected events would occur necessitating other expenses. The estimates of cost shall include related estimates of typically needed and expected ancillary costs such as those for radiology, pathology, or anesthesiology services, and shall indicate when no contracted providers of such services are available under the individual's benefit plan at a selected health care facility or provider. Any estimate given shall not be a guarantee of coverage and the health carrier shall not be held liable for differences between the estimated costs and the ultimate charges assessed to the individual and the estimate of cost on patient cost-sharing obligations may include a disclaimer noting the actual amount billed or owed may be different from the estimate of cost or cost-sharing. Nothing in this subsection shall be construed as violating any provider contract provisions with a health carrier that prohibits disclosure of a provider's fee schedule to third parties. Any health carrier that has not made a good faith effort to comply with the provisions of this section shall be subject to the provisions of section 374.280.

4. Programs of insurers that publicly assess and compare the quality and cost efficiency of health

care providers shall conform to the following criteria:

(1) The insurers shall retain, at their own expense, the services of a nationally recognized independent health care quality standard-setting organization to review the plan's programs for consumers that measure, report, and tier providers based on their performance. Such review shall include a comparison to national standards and a report detailing the measures and methodologies used by the health plan. The scope of the review shall encompass all elements described in this section and section 191.1008;

(2) The program measures shall provide performance information that reflects consumers' health needs. Programs shall clearly describe the extent to which they encompass particular areas of care, including primary care and other areas of specialty care;

(3) Performance reporting for consumers shall include both quality and cost efficiency information. While quality information may be reported in the absence of cost efficiency, cost efficiency information shall not be reported without accompanying quality information;

(4) When any individual measures or groups of measures are combined, the individual scores, proportionate weighting, and any other formula used to develop composite scores shall be disclosed. Such disclosure shall be done both when quality measures are combined and when quality and cost efficiency are combined;

(5) Consumers or consumer organizations shall be solicited to provide input on the program, including methods used to determine performance strata;

(6) A clearly defined process for receiving and resolving consumer complaints shall be a component of any program;

(7) Performance information presented to consumers shall include context, discussion of data limitations, and guidance on how to consider other factors in choosing a provider;

(8) Relevant providers and provider organizations shall be solicited to provide input on the program, including the methods used to determine performance strata;

(9) Providers shall be given reasonable prior notice before their individual performance information is publicly released;

(10) A clearly defined process for providers to request review of their own performance results and the opportunity to present information that supports what they believe to be inaccurate results, within a reasonable time frame, shall be a component of any program. Results determined to be inaccurate after the reconsideration process shall be corrected;

(11) Information about the comparative performance of providers shall be accessible and understandable to consumers and providers and shall recognize cost factors associated with medical education and research, patient characteristics, and specialized services;

(12) Information about factors that might limit the usefulness of results shall be publicly disclosed;

(13) Measures used to assess provider performance and the methodology used to calculate scores or determine rankings shall be published and made readily available to the public. Elements shall be assessed against national standards as defined in subdivision (17) of this subsection. Examples of

measurement elements that shall be assessed against national standards include risk and severity adjustment, minimum observations, and statistical standards utilized. Examples of other measurement elements that shall be fully disclosed include data used, how providers' patients are identified, measure specifications and methodologies, known limitations of the data, and how episodes are defined;

(14) The rationale and methodologies supporting the unit of analysis reported shall be clearly articulated, including a group practice model versus the individual provider;

(15) Sponsors of provider measurement and reporting shall work collaboratively to aggregate data whenever feasible to enhance its consistency, accuracy, and use. Sponsors of provider measurement and reporting shall also work collaboratively to align and harmonize measures used to promote consistency and reduce the burden of collection. The nature and scope of such efforts shall be publicly reported;

(16) The program shall be regularly evaluated to assess its effectiveness, accuracy, reliability, validity, and any unintended consequences, including any effect on access to health care;

(17) All quality measures shall be endorsed by the National Quality Forum (NQF), or its successor organization. Where NQF-endorsed measures do not exist, the next level of measures to be considered, until such measures are endorsed by the National Quality Forum (NQF), or its successor organization, shall be those endorsed by the Ambulatory Care Quality Alliance, the National Committee for Quality Assurance, or the Joint Commission on the Accreditation of Healthcare Organizations, Healthcare Effectiveness and Data Information Set (HEDIS);

(18) A health plan shall be deemed compliant with this section if the health plan currently offers a program that has been granted or awarded certification from the National Committee for Quality Assurance (NCQA) as of January 1, 2012. The health plan is deemed to be in compliance for the length of time the NCQA certification is granted; and

(19) A nonaccredited health plan shall be in compliance with this section upon a renewal of any contract with a provider on or after January 1, 2013.

191.1008. 1. Any person or entity who sells or otherwise distributes to the public health care quality and cost efficiency data for disclosure in comparative format to the public shall identify the measure source or evidence-based science behind the measure and the national consensus, multi-stakeholder, or other peer review process, if any, used to confirm the validity of the data and its analysis as an objective indicator of health care quality.

2. Articles or research studies on the topic of health care quality or cost efficiency that are published in peer-reviewed academic journals that neither receive funding from nor are affiliated with a health care insurer or by state or local government shall be exempt from the requirements of subsection 1 of this section.

3. (1) Upon receipt of a complaint of an alleged violation of this section by a person or entity other than a health carrier, the department of health and senior services shall investigate the complaint and, upon finding that a violation has occurred, shall be authorized to impose a penalty in an amount not

to exceed one thousand dollars. The department shall promulgate rules governing its processes for conducting such investigations and levying fines authorized by law.

(2) Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.

191.1011. All alleged violations of sections 191.1005 to 191.1008 by a health insurer shall be investigated and enforced by the department of insurance, financial institutions and professional registration under the department's powers and responsibilities to enforce the insurance laws of this state in accordance with chapter 374.”; and

Further amend the title and enacting clause accordingly.

Senator Schaaf moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Schaaf offered **SA 2:**

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 322, Page 1, Section 190.839, Line 2, by striking “2016” and inserting in lieu thereof the following: “**2013**”; and

Further amend said bill and page, Section 198.439, line 2, by striking “2016” and inserting in lieu thereof the following: “**2013**”; and

Further amend said bill, page 2, Section 208.437, line 32, by striking “2016” and inserting in lieu thereof the following: “**2013**”; and

Further amend said bill and page, Section 208.480, line 2, by striking “2016” and inserting in lieu thereof the following: “**2013**”; and

Further amend said bill and page, Section 338.550, line 10, by striking “2016” and inserting in lieu thereof the following: “**2013**”; and

Further amend said bill and section, page 3, line 17, by striking “2016” and inserting in lieu thereof the following: “**2013**”; and

Further amend said bill, page 6, Section 633.401, line 114, by striking “2016” and inserting in lieu thereof the following: “**2013**”.

Senator Schaaf moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Pearce assumed the Chair.

Senator Schaaf offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 322, Page 2, Section 208.437, Line 32, by inserting after all of said line the following:

“6. Any managed care organization subject to the reimbursement allowance or provider tax under sections 208.431 to 208.437, or any accident and sickness insurers, health services corporations, health maintenance organizations, or insurance producers under the regulation of the department of insurance, financial institutions and professional registration shall be subject to the uniform claim form and uniform application form requirements under section 374.184.”; and

Further amend said bill, page 3, section 338.550, line 17, by inserting after all of said line the following:

“374.184. 1. The director of the department of insurance, financial institutions and professional registration shall prescribe by rule[,];

(1) After due consultation with providers of health care or treatment and their respective licensing boards, [accident and sickness insurers, health services corporations and health maintenance organizations,] and after a public hearing, uniform claim forms for reporting by health care providers. Such prescribed forms shall include but need not be limited to information regarding the medical diagnosis, treatment and prognosis of the patient, together with the details of charges incident to the providing of such care, treatment or services, sufficient for the purpose of meeting the proof requirements of an accident and sickness insurance or hospital, medical or dental services contract. Such prescribed forms shall be based upon the UB-82 form, with respect to hospital claims, and the HCFA 1500 form, with respect to physician claims, as such forms are modified or amended from time to time by the National Uniform Billing Committee or the federal Health Care Financing Administration; and

(2) After due consultation with accident and sickness insurers, health services corporations, health maintenance organizations, and insurance producers, and after a public hearing, uniform application forms for group health insurance policies.

2. The adoption of any uniform claim forms or uniform application forms by the director pursuant to this section shall not preclude an insurer, health services corporation, or health maintenance organization from requesting any necessary additional information in connection with a claims investigation from the claimant, provider of health care or treatment, or certifier of coverage, or in connection with an application for insurance from the applicant. The provisions of this section shall not be deemed or construed to apply to electronic claims submission. Insurers and providers may by contract provide for modifications to the uniform billing document where both insurers and providers feel that such modifications streamline claims processing procedures relating to the claims of the insurer involved in such contract modification. However, a refusal by the provider to agree to modification of the uniform billing format shall not be used by the insurer as grounds for refusing to enter into a contract with the provider for

reimbursement or payment for health services rendered to an insured of the insurer.

3. Rules adopted or promulgated pursuant to this act shall be subject to notice and hearing as provided in chapter 536. The regulations so adopted shall specify an effective date, which shall not be less than one hundred eighty days after the date of adoption, after which no accident and sickness insurer, health services corporation or health maintenance organization shall require providers of health care or treatment to complete forms differing from those prescribed by the director pursuant to this section, [and] after which no health care provider shall submit claims except upon such prescribed forms; provided that the provisions of this section shall not preclude the use by any insurer, health services corporation or health maintenance organization of the UB-82 form or the HCFA 1500 form, **and after which no insurer shall require applicants for insurance coverage to complete forms differing from those prescribed by the director under this section.**”; and

Further amend the title and enacting clause accordingly.

Senator Schaaf moved that the above amendment be adopted.

Senator Schaefer raised the point of order that **SA 3** is out of order as it goes beyond the scope of the underlying bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Schaaf offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Bill No. 322, Page 2, Section 208.480, Line 1, by inserting immediately after “208.480.” the following: “**1.**”; and further amend line 2, by inserting after all of said line the following:

“2. No hospital that is or would be subject to the reimbursement allowance or provider tax under sections 208.453 to 208.480, shall be subject to the certificate of need provisions under sections 197.300 to 197.367.”.

Senator Schaaf moved that the above amendment be adopted.

Senator Schaefer raised the point of order that **SA 4** is out of order as it goes beyond the scope of the underlying bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Rupp assumed the Chair.

At the request of Senator Schaefer, **SB 322** was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 368**; **SCS** for **SB 356**; **SS** for **SB 231**; **SS** for **SCS** for **SB 351**; **SB 90**; and **SS** for **SCS** for **SB 70**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 5, 2011

To the Senate of the 96th General Assembly for the State of Missouri:

The following addendum should be made to the appointment of Suzanne Taggart for the Missouri Child Abuse and Neglect Review Board submitted to you on April 1, 2011. Lines 3 and 4 should read:

and until her successor is duly appointed and qualified; vice, Suzanne Taggart, reappointed.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Mayer referred the above addendum to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 550**, entitled:

An Act to repeal sections 301.600, 306.400, and 700.350, RSMo, and to enact in lieu thereof three new sections relating to liens and encumbrances.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 32**, entitled:

An Act to amend chapter 193, RSMo, by adding thereto one new section relating to heritage birth certificates and heritage marriage certificates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HCS** for **HB 70**, entitled:

An Act to repeal section 230.220, RSMo, and to enact in lieu thereof one new section relating to county highway commissions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 79**, entitled:

An Act to repeal sections 42.170, 42.200, and 42.220, RSMo, and to enact in lieu thereof three new sections relating to military medallions, medals, and certificates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 88**, entitled:

An Act to repeal section 475.115, RSMo, and to enact in lieu thereof one new section relating to public administrators.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 101**, entitled:

An Act to repeal section 311.297, RSMo, and to enact in lieu thereof one new section relating to the tasting of liquor.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 141**, entitled:

An Act to repeal section 227.297, RSMo, and to enact in lieu thereof one new section relating to the heroes way interchange designation program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HCS** for **HB 143**, entitled:

An Act to repeal sections 210.135 and 210.145, RSMo, and to enact in lieu thereof two new sections relating to child abuse and neglect.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 182**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of dress in blue for colon cancer awareness day.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 197**, entitled:

An Act to amend chapter 191, RSMo, by adding thereto two new sections relating to cord blood banking.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 199**, entitled:

An Act to repeal section 577.023, RSMo, and to enact in lieu thereof one new section relating to community service requirements for intoxication-related traffic offenses, with existing penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 220**, entitled:

An Act to repeal section 339.190, RSMo, and to enact in lieu thereof one new section relating to real estate licensees.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HB 256**, entitled:

An Act to repeal section 477.650, RSMo, and to enact in lieu thereof one new section relating to the basic civil legal services fund.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 259**, entitled:

An Act to amend chapter 210, RSMo, by adding thereto one new section relating to disclosure of certain foster care licensure information.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 260**, entitled:

An Act to repeal sections 210.844, 454.850, 454.853, 454.855, 454.857, 454.860, 454.862, 454.865, 454.867, 454.869, 454.871, 454.874, 454.877, 454.880, 454.882, 454.885, 454.887, 454.890, 454.892, 454.895, 454.897, 454.900, 454.902, 454.905, 454.907, 454.910, 454.912, 454.915, 454.917, 454.920, 454.922, 454.927, 454.930, 454.932, 454.934, 454.936, 454.938, 454.941, 454.943, 454.946, 454.948, 454.951, 454.953, 454.956, 454.958, 454.961, 454.963, 454.966, 454.968, 454.971, 454.973, 454.976, 454.978, 454.981, 454.983, 454.986, 454.989, 454.991, 454.993, 454.995, and 454.999, RSMo, and to enact in lieu thereof eighty new sections relating to the uniform interstate family support act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 264**, entitled:

An Act to repeal section 620.1910, RSMo, and to enact in lieu thereof one new section relating to the manufacturing jobs act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 265**, entitled:

An Act to amend chapter 324, RSMo, by adding thereto one new section relating to professional registration.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 270**, entitled:

An Act to repeal section 103.089, RSMo, and to enact in lieu thereof one new section relating to state health insurance benefits.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 272**, entitled:

An Act to repeal section 208.955, RSMo, and to enact in lieu thereof one new section relating to the MO HealthNet oversight committee.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 307**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to a special license plate.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 327**, entitled:

An Act to repeal sections 478.711 and 483.420, RSMo, and to enact in lieu thereof two new sections relating to the circuit court of Cape Girardeau County.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 369**, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to the imposition of fees for the repair of water service lines in certain municipalities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 388**, entitled:

An Act to repeal section 376.1250, RSMo, and to enact in lieu thereof one new section relating to patient information provided in advance of certain surgical procedures.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 402**, entitled:

An Act to repeal sections 429.015 and 516.098, RSMo, and to enact in lieu thereof two new sections relating to liens for architects, professional engineers, land surveyors, and landscape architects.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 412**, entitled:

An Act to repeal section 338.330, RSMo, and to enact in lieu thereof one new section relating to wholesale drug distributors.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 448**, entitled:

An Act to repeal sections 70.710, 70.720, and 70.730, RSMo, and to enact in lieu thereof three new sections relating to employer contributions under the Missouri local government employees' retirement system.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 499**, entitled:

An Act to repeal section 302.291, RSMo, and to enact in lieu thereof one new section relating to

driver's license competency assessment, with an existing penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 506**, entitled:

An Act to repeal section 137.073, RSMo, and to enact in lieu thereof one new section relating to property tax levy revisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 513**, entitled:

An Act to repeal sections 209.150, 209.152, and 209.200, RSMo, and to enact in lieu thereof three new sections relating to Sean's Law.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 525**, entitled:

An Act to amend chapter 375, RSMo, by adding thereto one new section relating to life and health reinsurance contracts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 545**, entitled:

An Act to repeal section 67.1956, RSMo, and to enact in lieu thereof one new section relating to tourism community enhancement districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 548**, entitled:

An Act to repeal section 105.935, RSMo, and to enact in lieu thereof two new sections relating to state employees.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 556**, entitled:

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to disability history and awareness month in public schools.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 557**, entitled:

An Act to repeal sections 630.053 and 630.095, RSMo, and to enact in lieu thereof two new sections relating to the mental health earnings fund.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 560**, entitled:

An Act to repeal section 301.143, RSMo, and to enact in lieu thereof one new section relating to disabled parking signs, with an existing penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 561**, entitled:

An Act to repeal section 208.955, RSMo, and to enact in lieu thereof one new section relating to the MO HealthNet oversight committee.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 604**, entitled:

An Act to repeal sections 210.496, 211.447, and 453.070, RSMo, and to enact in lieu thereof three new sections relating to parental rights of individuals with disabilities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 630**, entitled:

An Act to amend chapter 210, RSMo, by adding thereto one new section relating to the Missouri task force on prematurity and infant mortality.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 631**, entitled:

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to designation of tax refunds to the developmental disabilities waiting list equity trust fund.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 648**, entitled:

An Act to repeal sections 8.241, 178.900, 189.010, 189.065, 192.005, 198.012, 205.968, 208.151, 208.275, 210.900, 211.202, 211.203, 211.206, 211.207, 402.210, 475.121, 475.355, 476.537, 552.015, 552.020, 552.030, 552.040, 630.003, 630.005, 630.010, 630.097, 630.120, 630.165, 630.183, 630.192, 630.210, 630.335, 630.405, 630.425, 630.510, 630.605, 630.610, 630.635, 630.705, 630.715, 630.735, 632.005, 632.105, 632.110, 632.115, 632.120, 632.370, 632.380, 633.005, 633.010, 633.020, 633.029, 633.030, 633.045, 633.050, 633.110, 633.115, 633.120, 633.125, 633.130, 633.135, 633.140, 633.145, 633.150, 633.155, 633.160, 633.180, 633.185, 633.190, 633.210, 633.300, 633.303, 633.309, and 660.405, RSMo, and to enact in lieu thereof seventy-four new sections relating to developmental disability, with existing penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 667**, entitled:

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the prostate cancer pilot program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 673**, entitled:

An Act to amend chapter 41, RSMo, by adding thereto three new sections relating to military honors.
In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 675**, entitled:

An Act to repeal section 58.095, RSMo, and to enact in lieu thereof one new section relating to county coroner training.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 678**, entitled:

An Act to repeal sections 319.016 and 319.025, RSMo, and to enact in lieu thereof two new sections relating to underground facilities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 738**, entitled:

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to student study plans.
In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 746**, entitled:

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to designation of tax refunds to the department of agriculture for puppy protection.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 749**, entitled:

An Act to amend chapters 9 and 10, RSMo, by adding thereto two new sections relating to child abuse prevention.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 795**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of school read-in day.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 798**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial bridge.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 812**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to a special license plate.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 813**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial bridge.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 825**, entitled:

An Act to repeal section 301.030, RSMo, and to enact in lieu thereof one new section relating to motor

vehicle registration periods.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

President Pro Tem Mayer assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Rupp, Chairman of the Senate Select Committee on Redistricting, submitted the following report:

Mr. President: Your Senate Select Committee on Redistricting, to which was referred **SB 264**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

INTRODUCTIONS OF GUESTS

Senator Kehoe introduced to the Senate, Rachel Muenks, parents, Thomas Boessen, Corinn Puleo, Sara Otto and Kelly Wieberg and eighteen third and fourth grade students from St. Thomas the Apostle School, St. Thomas.

Senator Schaaf introduced to the Senate, Dr. Alan Brewer and his wife, Marge, St. Joseph.

Senator Goodman introduced to the Senate, Wyatt, Nathan, Janice and Doug Bowen, Pierce City; and John Leach and Nancy Smith-Leach, Mt. Vernon; and Wyatt was made an honorary page.

Senator Ridgeway introduced to the Senate, Dr. Robert Franseen, his wife, Pat, and eleventh and twelfth grade students from Eagle Heights Christian School, Kansas City.

On behalf of Senator Stouffer, the President introduced to the Senate, fourth grade students from Sweet Springs.

Senator Schaaf introduced to the Senate, Scott Willett, Jefferson City; Rosanna Bisges, Lake Ozark; and Howard Charney and Mary Barnsdale, San Jose, California.

Senator Stouffer introduced to the Senate, Gordon Buckner and Betty Clements, Marshall.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-SEVENTH DAY—WEDNESDAY, APRIL 6, 2011

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 434-Nolte
HCS for HB 475
HB 423-Burlison, et al
HCS for HB 38

HB 68-Scharnhorst
HB 98-Ruzicka
HB 118-Peters-Baker
HB 183-Silvey

HCS for HBs 187 & 54
 HB 263-Weter
 HCS for HB 287
 HB 340-Klippenstein, et al
 HCS for HB 344
 HB 462-Pollock
 HB 503-Dugger, et al
 HCS for HB 578
 HB 550-Day
 HCS for HB 32
 HCS for HB 70
 HB 79-Nolte, et al
 HB 88-Gatschenberger
 HB 101-Loehner
 HB 141-Black, et al
 HCS for HB 143
 HB 182-Walton Gray, et al
 HCS for HB 197
 HB 199-Kelley (126), et al
 HCS for HB 220
 HB 256-Cox, et al
 HCS for HB 259
 HB 260-Cox, et al
 HB 264-Nolte and Weter
 HCS for HB 265
 HB 270-Burlison and Swinger
 HB 272-Kirkton, et al
 HB 307-Gatschenberger, et al
 HB 327-Wallingford, et al
 HCS for HB 369

HB 388-Burlison
 HB 402-Diehl and Korman
 HCS for HB 412
 HB 448-Lair
 HB 499-Wells, et al
 HCS for HB 506
 HB 513-Newman, et al
 HB 525-Molendorp
 HCS for HB 545
 HCS for HB 548
 HCS for HB 556
 HCS for HB 557
 HB 560-Grisamore
 HB 561-Grisamore
 HCS for HB 604
 HCS for HB 630
 HCS for HB 631
 HB 648-Montecillo
 HB 667-Carter, et al
 HB 673-Largent
 HB 675-Largent and Hoskins
 HB 678-Schatz and Pollock
 HB 738-Nasheed, et al
 HB 746-Brown (85), et al
 HB 749-Lasater, et al
 HB 795-Kelley (126), et al
 HB 798-Brown (85)
 HB 812-Brattin, et al
 HB 813-Dugger
 HCS for HB 825

THIRD READING OF SENATE BILLS

1. SCS for SB 11-McKenna
(In Fiscal Oversight)
2. SS for SCS for SB 65-Mayer
(In Fiscal Oversight)
3. SCS for SB 177-Brown
4. SB 165-Goodman
5. SB 147-Schaefer
6. SS for SB 118-Stouffer
7. SB 116-Justus
8. SCS for SB 81-Pearce

9. SCS for SB 60-Keaveny
10. SB 59-Keaveny
11. SCS for SB 54-Cunningham
(In Fiscal Oversight)
12. SCS for SB 29-Brown
13. SJR 10-Lembke and Green
(In Fiscal Oversight)
14. SS for SB 9-Rupp
15. SCS for SB 368-Stouffer
16. SCS for SB 356-Munzlinger

17. SS for SB 231-Lager
18. SS for SCS for SB 351-Lamping

19. SB 90-Dempsey
20. SS for SCS for SB 70-Schaefer

SENATE BILLS FOR PERFECTION

1. SB 100-Stouffer, with SCS
2. SB 117-Engler, with SCS
3. SBs 26 & 106-Wasson, with SCS
4. SBs 394 & 331-Goodman, with SCS
5. SB 366-Goodman, with SCS
6. SB 237-Schaefer
7. SB 213-Schaefer, with SCS
8. SB 420-Mayer, with SCS

9. SB 286-McKenna
10. SB 268-Stouffer
11. SB 228-Pearce
12. SBs 291, 184 & 294-Pearce, with SCS
13. SBs 88 & 82-Schaaf, with SCS
14. SB 299-Munzlinger, with SCS
15. SB 264-Rupp, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 14, with SCS (Schaefer)

HB 15-Silvey (Schaefer)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SENATE BILLS FOR PERFECTION

SBs 1 & 206-Ridgeway, with SCS & SA 1
(pending)
SBs 7, 5, 74 & 169-Goodman, with SCS
SB 10-Rupp
SB 23-Keaveny, with SCS & SS for SCS
(pending)
SB 25-Schaaf, with SCS & SS for SCS
(pending)
SB 28-Brown
SB 36-Lembke
SB 37-Lembke, with SCS
SB 72-Kraus, with SS (pending)
SB 120-Stouffer
SB 122-Schaaf, with SCS & SS for SCS
(pending)
SB 130-Rupp, with SCS & SS for SCS
(pending)

SB 175-Munzlinger, et al, with SA 1
(pending)
SB 176-Munzlinger, et al
SBs 189, 217, 246, 252 & 79-Schmitt,
with SCS
SB 200-Crowell
SB 202-Crowell
SB 203-Schmitt, et al, with SS (pending)
SB 204-Dempsey, et al
SB 208-Lager
SB 209-Lager
SB 241-Brown and Wasson
SB 242-Cunningham, with SCS & SS for SCS
(pending)
SB 247-Pearce, with SS (pending)
SB 254-Stouffer, with SCS
SB 278-Munzlinger, et al

SB 280-Purgason, et al, with SCS & SS
for SCS (pending)
SB 322-Schaefer
SB 323-Schaefer, with SCS

SBs 369 & 370-Cunningham, with SCS
SB 390-Schmitt, et al
SJR 11-Munzlinger, with SCS
SJR 15-Nieves, et al

HOUSE BILLS ON THIRD READING

HCS for HB 163, with SCS, SS for SCS &
SA 1 (pending) (Pearce)

RESOLUTIONS

Reported from Committee

SR 179-Purgason

SCR 8-Rupp

To be Referred

HCR 15-Brown (50), et al
HCR 33-Davis, et al
HCR 34-Hampton, et al

HCR 11-Nolte, et al
HCR 7-Walton Gray, et al
HCS for HCR 17

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Journal of the Senate

FIRST REGULAR SESSION

FORTY-SEVENTH DAY—WEDNESDAY, APRIL 6, 2011

The Senate met pursuant to adjournment.

Senator Lager in the Chair.

Reverend Carl Gauck offered the following prayer:

“He shall be like a tree planted by the rivers of water, that brings forth his fruit in his season;...” (Psalm 1:3a)

Almighty God, You have planted us in You and there we have found a source of nourishment which sustains us from day to day. Our lives rooted deeply and firmly in Your promises provide us strength, assurance and final victory. And we are thankful that we can bear fruit by our efforts here to assist the people of Missouri. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Dempsey announced that photographers from Missouri News Horizon were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Nieves offered Senate Resolution No. 697, regarding Downtown Washington, Inc., which was adopted.

Senator Parson offered Senate Resolution No. 698, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Beryl McCoy, Sedalia, which was adopted.

Senator Dempsey offered Senate Resolution No. 699, regarding Detective David Kleinschmidt of the Saint Charles Police Department, which was adopted.

Senator Dempsey offered Senate Resolution No. 700, regarding Detective Mike Myers of the Saint Charles Police Department, which was adopted.

Senator Dempsey offered Senate Resolution No. 701, regarding Detective Ray Juengst of the Saint Charles Police Department, which was adopted.

Senator Dempsey offered Senate Resolution No. 702, regarding Amber Choat, Autumn Boyd and Daniel Smith, which was adopted.

Senator Dempsey offered Senate Resolution No. 703, regarding Christopher Watson, which was adopted.

Senator Dempsey offered Senate Resolution No. 704, regarding Ryan French and Brian Braun, which was adopted.

Senator Dempsey offered Senate Resolution No. 705, regarding Elaine Stevenson and Jerry Congleton, which was adopted.

Senator Dempsey offered Senate Resolution No. 706, regarding John Barrett and Peter Ingracia, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Crowell moved that **SB 202** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Crowell offered **SS** for **SB 202**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 202

An Act to repeal section 33.103, RSMo, and to enact in lieu thereof two new sections relating to labor organizations, with a referendum clause.

Senator Crowell moved that **SS** for **SB 202** be adopted.

Senator Lamping offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 202, Pages 1-4, Section 33.103, by striking all of said section from the bill; and

Further amend said bill, page 4, section 105.504, lines 18-27 by striking all of said lines and inserting in lieu thereof, the following: "**labor organization, or individuals who are not members.**"; and further

amend said section, page 5, lines 1-7 by striking all of said lines; and further amend said section, page 6, line 12, by striking “**subsections 2 and**” and inserting in lieu thereof, the following: “**subsection**”; and further amend said section, page 7, line 1 by striking “**subsections 2 or**” and inserting in lieu thereof, the following: “**subsection**”; and further amend said section, lines 3-13, by striking all of said lines; and further renumber the remaining subsections accordingly; and

Further amend the title and enacting clause accordingly.

Senator Lamping moved that the above amendment be adopted.

Senator Crowell offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Bill No. 202, Page 1, Line 5 of said amendment, by inserting immediately before the word “**labor**” the following: “**public**”.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

SA 1, as amended, was again taken up.

Senator Lamping moved that the above amendment be adopted, which motion prevailed.

Senator Pearce assumed the Chair.

Senator Green offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 202, Page 7, Section 105.504, Line 21, by striking “**public employers**” and inserting in lieu thereof, the following: “**the state as an employer**”.

Senator Green moved that the above amendment be adopted.

Senator Crowell requested a roll call vote be taken on the adoption of **SA 2** and was joined in his request by Senators Brown, Callahan, Lamping and Richard.

SA 2 failed of adoption by the following vote:

YEAS—Senators

Callahan	Chappelle-Nadal	Curls	Green	Justus	Keaveny	McKenna	Wright-Jones—8
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NAYS—Senators

Brown	Crowell	Cunningham	Dempsey	Dixon	Engler	Goodman	Kehoe
Kraus	Lager	Lamping	Lembke	Mayer	Munzlinger	Nieves	Parson
Pearce	Purgason	Richard	Ridgeway	Schaaf	Schaefer	Schmitt	Stouffer

Wasson—25

Absent—Senator Rupp—1

Absent with leave—Senators—None

Vacancies—None

Senator Crowell moved that **SS** for **SB 202**, as amended, be adopted, which motion prevailed.

On motion of Senator Crowell, **SS** for **SB 202**, as amended, was declared perfected and ordered printed.

At the request of Senator Stouffer, **SB 100**, with **SCS**, was placed on the Informal Calendar.

Senator Engler moved that **SB 117**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 117**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 117

An Act to repeal section 144.032, RSMo, and to enact in lieu thereof two new sections relating to the imposition of a hospital district sales tax in lieu of a property tax to fund a hospital district, with an emergency clause.

Was taken up.

Senator Engler moved that **SCS** for **SB 117** be adopted, which motion prevailed.

On motion of Senator Engler, **SCS** for **SB 117** was declared perfected and ordered printed.

President Kinder assumed the Chair.

Senator Wasson moved that **SB 26** and **SB 106**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 26** and **106**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 26 and 106

An Act to amend chapter 301, RSMo, by adding thereto two new sections relating to specialized license plates.

Was taken up.

Senator Pearce assumed the Chair.

Senator Wasson moved that **SCS** for **SBs 26** and **106** be adopted, which motion prevailed.

On motion of Senator Wasson, **SCS** for **SBs 26** and **106** was declared perfected and ordered printed.

Senator Goodman moved that **SB 394** and **SB 331**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 394** and **331**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 394 and 331

An Act to repeal sections 566.200, 566.203, 566.206, 566.209, 566.212, 566.213, 566.218, and 566.223, RSMo, and to enact in lieu thereof eight new sections relating to human trafficking, with penalty provisions.

Was taken up.

Senator Goodman moved that **SCS** for **SBs 394** and **331** be adopted, which motion prevailed.

On motion of Senator Goodman, **SCS** for **SBs 394** and **331** was declared perfected and ordered printed.

At the request of Senator Goodman, **SB 366**, with **SCS**, was placed on the Informal Calendar.

Senator Schaefer moved that **SB 237** be taken up for perfection, which motion prevailed.

On motion of Senator Schaefer, **SB 237** was declared perfected and ordered printed.

At the request of Senator Schaefer, **SB 213**, with **SCS**, was placed on the Informal Calendar.

REFERRALS

President Pro Tem Mayer referred **SB 90** to the Committee on Ways and Means and Fiscal Oversight.

President Pro Tem Mayer referred **HCR 15; HCR 33; HCR 34; HCR 11; HCR 7; and HCS** for **HCR 17** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Dempsey, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Pearce.

Senator Dempsey announced that photographers from the Jefferson City News Tribune were given permission to take pictures in the Senate Chamber today.

REPORTS OF STANDING COMMITTEES

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SBs 26** and **106; SCS** for **SB 117; SS** for **SB 202; SB 237; and SCS** for **SBs 394** and **331**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Mayer referred **SCS** for **SB 202** to the Committee on Ways and Means and Fiscal Oversight.

SENATE BILLS FOR PERFECTION

Senator Dempsey moved that **SB 204** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Dempsey, **SB 204** was declared perfected and ordered printed.

Senator Stouffer moved that **SB 100**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 100**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 100

An Act to repeal section 135.1150, RSMo, and to enact in lieu thereof two new sections relating to tax

credits for certain contributions.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 100** be adopted.

Senator Stouffer offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 100, Page 4, Section 135.1150, Line 90, by striking the year “2017” and inserting in lieu thereof the following: “**2015**”; and

Further amend said bill, page 6, section 135.1180, line 90, by striking the word “six” and inserting in lieu thereof the following: “**four**”.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

Senator Stouffer moved that **SCS** for **SB 100**, as amended, be adopted, which motion prevailed.

On motion of Senator Stouffer, **SCS** for **SB 100**, as amended, was declared perfected and ordered printed.

Senator Goodman moved that **SB 366**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 366**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 366

An Act to amend chapter 351, RSMo, by adding thereto seventy-seven new sections relating to the Missouri cooperative associations act, with penalty provisions.

Was taken up.

Senator Goodman moved that **SCS** for **SB 366** be adopted, which motion prevailed.

On motion of Senator Goodman, **SCS** for **SB 366** was declared perfected and ordered printed.

SB 420, with **SCS**, was placed on the Informal Calendar.

Senator McKenna moved that **SB 286** be taken up for perfection, which motion prevailed.

Senator McKenna offered **SS** for **SB 286**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 286

An Act to amend chapter 160, RSMo, by adding thereto two new sections relating to the task force on the prevention of sexual abuse of children.

Senator McKenna moved that **SS** for **SB 286** be adopted.

Senator Cunningham offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 286, Page 1, In the Title, Lines 3-4, by striking all of said lines and inserting in lieu thereof the following: “sections relating to protecting children from sex

offenders.”; and

Further amend said bill and page, section A, line 3, by inserting after all of said line the following:

“37.710. 1. The office shall have access to the following information:

(1) The names and physical location of all children in protective services, treatment, or other programs under the jurisdiction of the children’s division, the department of mental health, and the juvenile court;

(2) All written reports of child abuse and neglect; and

(3) All current records required to be maintained pursuant to chapters 210 and 211, RSMo.

2. The office shall have the authority:

(1) To communicate privately by any means possible with any child under protective services and anyone working with the child, including the family, relatives, courts, employees of the department of social services and the department of mental health, and other persons or entities providing treatment and services;

(2) To have access, including the right to inspect, copy and subpoena records held by the clerk of the juvenile or family court, juvenile officers, law enforcement agencies, institutions, public or private, and other agencies, or persons with whom a particular child has been either voluntarily or otherwise placed for care, or has received treatment within this state or in another state;

(3) To work in conjunction with juvenile officers and guardians ad litem;

(4) **To file any findings or reports of the child advocate regarding the parent or child with the court, and issue recommendations regarding the disposition of an investigation, which may be provided to the court and to the investigating agency;**

(5) To file amicus curiae briefs on behalf of the interests of the parent or child;

[(5)] (6) To initiate meetings with the department of social services, the department of mental health, the juvenile court, and juvenile officers;

[(6)] (7) To take whatever steps are appropriate to see that persons are made aware of the services of the child advocate’s office, its purpose, and how it can be contacted;

[(7)] (8) To apply for and accept grants, gifts, and bequests of funds from other states, federal, and interstate agencies, and independent authorities, private firms, individuals, and foundations to carry out his or her duties and responsibilities. The funds shall be deposited in a dedicated account established within the office to permit moneys to be expended in accordance with the provisions of the grant or bequest; [and]

[(8)] (9) Subject to appropriation, to establish as needed local panels on a regional or county basis to adequately and efficiently carry out the functions and duties of the office, and address complaints in a timely manner; **and**

(10) To mediate between alleged victims of sexual misconduct and school districts as provided in subsection 1 of section 160.262.

3. For any information obtained from a state agency or entity under sections 37.700 to 37.730, the office of child advocate shall be subject to the same disclosure restrictions and confidentiality requirements that apply to the state agency or entity providing such information to the office of child advocate. For information obtained directly by the office of child advocate under sections 37.700 to 37.730, the office of child advocate shall be subject to the same disclosure restrictions and confidentiality requirements that apply

to the children's division regarding information obtained during a child abuse and neglect investigation resulting in an unsubstantiated report.

160.085. The provisions of sections 37.710, 160.085, 160.261, 160.262, 162.014, 162.068, 162.069, 168.021, 168.071, 168.133, 210.135, 210.145, 210.152, 210.915, 210.922, and 556.037 relating to protecting children from sexual offenders shall be known as the "Amy Hestir Student Protection Act".

160.261. 1. The local board of education of each school district shall clearly establish a written policy of discipline, including the district's determination on the use of corporal punishment and the procedures in which punishment will be applied. A written copy of the district's discipline policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent or legal guardian of every pupil enrolled in the district at the beginning of each school year and also made available in the office of the superintendent of such district, during normal business hours, for public inspection. All employees of the district shall annually receive instruction related to the specific contents of the policy of discipline and any interpretations necessary to implement the provisions of the policy in the course of their duties, including but not limited to approved methods of dealing with acts of school violence, disciplining students with disabilities and instruction in the necessity and requirements for confidentiality.

2. The policy shall require school administrators to report acts of school violence to all teachers at the attendance center and, in addition, to other school district employees with a need to know. For the purposes of this chapter or chapter 167, "need to know" is defined as school personnel who are directly responsible for the student's education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties. As used in this section, the phrase "act of school violence" or "violent behavior" means the exertion of physical force by a student with the intent to do serious physical injury as defined in subdivision (6) of section 565.002 to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. The policy shall at a minimum require school administrators to report, as soon as reasonably practical, to the appropriate law enforcement agency any of the following crimes, or any act which if committed by an adult would be one of the following crimes:

- (1) First degree murder under section 565.020;
- (2) Second degree murder under section 565.021;
- (3) Kidnapping under section 565.110;
- (4) First degree assault under section 565.050;
- (5) Forcible rape under section 566.030;
- (6) Forcible sodomy under section 566.060;
- (7) Burglary in the first degree under section 569.160;
- (8) Burglary in the second degree under section 569.170;
- (9) Robbery in the first degree under section 569.020;
- (10) Distribution of drugs under section 195.211;
- (11) Distribution of drugs to a minor under section 195.212;
- (12) Arson in the first degree under section 569.040;

- (13) Voluntary manslaughter under section 565.023;
- (14) Involuntary manslaughter under section 565.024;
- (15) Second degree assault under section 565.060;
- (16) Sexual assault under section 566.040;
- (17) Felonious restraint under section 565.120;
- (18) Property damage in the first degree under section 569.100;
- (19) The possession of a weapon under chapter 571;
- (20) Child molestation in the first degree pursuant to section 566.067;
- (21) Deviate sexual assault pursuant to section 566.070;
- (22) Sexual misconduct involving a child pursuant to section 566.083;
- (23) Sexual abuse pursuant to section 566.100;
- (24) Harassment under section 565.090; or

(25) Stalking under section 565.225; committed on school property, including but not limited to actions on any school bus in service on behalf of the district or while involved in school activities. The policy shall require that any portion of a student's individualized education program that is related to demonstrated or potentially violent behavior shall be provided to any teacher and other school district employees who are directly responsible for the student's education or who otherwise interact with the student on an educational basis while acting within the scope of their assigned duties. The policy shall also contain the consequences of failure to obey standards of conduct set by the local board of education, and the importance of the standards to the maintenance of an atmosphere where orderly learning is possible and encouraged.

3. The policy shall provide that any student who is on suspension for any of the offenses listed in subsection 2 of this section or any act of violence or drug-related activity defined by school district policy as a serious violation of school discipline pursuant to subsection 9 of this section shall have as a condition of his or her suspension the requirement that such student is not allowed, while on such suspension, to be within one thousand feet of any school property in the school district where such student attended school or any activity of that district, regardless of whether or not the activity takes place on district property unless:

(1) Such student is under the direct supervision of the student's parent, legal guardian, or custodian and the superintendent or the superintendent's designee has authorized the student to be on school property;

(2) Such student is under the direct supervision of another adult designated by the student's parent, legal guardian, or custodian, in advance, in writing, to the principal of the school which suspended the student and the superintendent or the superintendent's designee has authorized the student to be on school property;

(3) Such student is enrolled in and attending an alternative school that is located within one thousand feet of a public school in the school district where such student attended school; or

(4) Such student resides within one thousand feet of any public school in the school district where such student attended school in which case such student may be on the property of his or her residence without direct adult supervision.

4. Any student who violates the condition of suspension required pursuant to subsection 3 of this section may be subject to expulsion or further suspension pursuant to the provisions of sections 167.161, 167.164, and 167.171. In making this determination consideration shall be given to whether the student poses a threat to the safety of any child or school employee and whether such student's unsupervised presence within one thousand feet of the school is disruptive to the educational process or undermines the effectiveness of the school's disciplinary policy. Removal of any pupil who is a student with a disability is subject to state and federal procedural rights. This section shall not limit a school district's ability to:

(1) Prohibit all students who are suspended from being on school property or attending an activity while on suspension;

(2) Discipline students for off-campus conduct that negatively affects the educational environment to the extent allowed by law.

5. The policy shall provide for a suspension for a period of not less than one year, or expulsion, for a student who is determined to have brought a weapon to school, including but not limited to the school playground or the school parking lot, brought a weapon on a school bus or brought a weapon to a school activity whether on or off of the school property in violation of district policy, except that:

(1) The superintendent or, in a school district with no high school, the principal of the school which such child attends may modify such suspension on a case-by-case basis; and

(2) This section shall not prevent the school district from providing educational services in an alternative setting to a student suspended under the provisions of this section.

6. For the purpose of this section, the term "weapon" shall mean a firearm as defined under 18 U.S.C. 921 and the following items, as defined in section 571.010: a blackjack, a concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife, knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade knife; except that this section shall not be construed to prohibit a school board from adopting a policy to allow a Civil War reenactor to carry a Civil War era weapon on school property for educational purposes so long as the firearm is unloaded. The local board of education shall define weapon in the discipline policy. Such definition shall include the weapons defined in this subsection but may also include other weapons. 7. All school district personnel responsible for the care and supervision of students are authorized to hold every pupil strictly accountable for any disorderly conduct in school or on any property of the school, on any school bus going to or returning from school, during school-sponsored activities, or during intermission or recess periods.

8. Teachers and other authorized district personnel in public schools responsible for the care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable care by the school district, shall not be civilly liable when acting in conformity with the established policies developed by each board, including but not limited to policies of student discipline or when reporting to his or her supervisor or other person as mandated by state law acts of school violence or threatened acts of school violence, within the course and scope of the duties of the teacher, authorized district personnel or volunteer, when such individual is acting in conformity with the established policies developed by the board. Nothing in this section shall be construed to create a new cause of action against such school district, or to relieve the school district from liability for the negligent acts of such persons.

9. Each school board shall define in its discipline policy acts of violence and any other acts that constitute a serious violation of that policy. "Acts of violence" as defined by school boards shall include

but not be limited to exertion of physical force by a student with the intent to do serious bodily harm to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. School districts shall for each student enrolled in the school district compile and maintain records of any serious violation of the district's discipline policy. Such records shall be made available to teachers and other school district employees with a need to know while acting within the scope of their assigned duties, and shall be provided as required in section 167.020 to any school district in which the student subsequently attempts to enroll.

10. [(1)] Spanking, when administered by certificated personnel and in the presence of a witness who is an employee of the school district, or the use of reasonable force to protect persons or property, when administered by personnel of a school district in a reasonable manner in accordance with the local board of education's written policy of discipline, is not abuse within the meaning of chapter 210. The provisions of sections 210.110 to 210.165 notwithstanding, the children's division shall not have jurisdiction over or investigate any report of alleged child abuse arising out of or related to the use of reasonable force to protect persons or property when administered by personnel of a school district or any spanking administered in a reasonable manner by any certificated school personnel in the presence of a witness who is an employee of the school district pursuant to a written policy of discipline established by the board of education of the school district, as long as no allegation of sexual misconduct arises from the spanking or use of force.

11. If a student reports alleged sexual misconduct on the part of a teacher or other school employee to a person employed in a school facility who is required to report such misconduct to the children's division under section 210.115, such person and the superintendent of the school district shall forward the allegation to the children's division within twenty-four hours of receiving the information. Reports made to the children's division under this subsection shall be investigated by the division in accordance with the provisions of sections 210.145 to 210.153 and shall not be investigated by the school district under subsections 12 to 20 of this section for purposes of determining whether the allegations should or should not be substantiated. The district may investigate the allegations for the purpose of making any decision regarding the employment of the accused employee.

[(2)] **12.** Upon receipt of any reports of child abuse by the children's division **other than reports provided under subsection 11 of this section**, pursuant to sections 210.110 to 210.165 which allegedly involve personnel of a school district, the children's division shall notify the superintendent of schools of the district or, if the person named in the alleged incident is the superintendent of schools, the president of the school board of the school district where the alleged incident occurred.

13. If, after an initial investigation, the superintendent of schools or the president of the school board finds that the report involves an alleged incident of child abuse other than the administration of a spanking by certificated school personnel or the use of reasonable force to protect persons or property when administered by school personnel pursuant to a written policy of discipline or that the report was made for the sole purpose of harassing a public school employee, the superintendent of schools or the president of the school board shall immediately refer the matter back to the children's division and take no further action. [(3)] In all matters referred back to the children's division, the division shall treat the report in the same manner as other reports of alleged child abuse received by the division.

14. If the report pertains to an alleged incident which arose out of or is related to a spanking administered by certificated personnel or the use of reasonable force to protect persons or property when

administered by personnel of a school district pursuant to a written policy of discipline or a report made for the sole purpose of harassing a public school employee, a notification of the reported child abuse shall be sent by the superintendent of schools or the president of the school board to the juvenile officer of the county in which the alleged incident occurred.

15. The report shall be jointly investigated by the juvenile officer or a law enforcement officer designated by the juvenile officer and the superintendent of schools or, if the subject of the report is the superintendent of schools, by the juvenile officer or a law enforcement officer designated by the juvenile officer and the president of the school board or such president's designee.

[(4)] **16.** The investigation shall begin no later than forty-eight hours after notification from the children's division is received, and shall consist of, but need not be limited to, interviewing and recording statements of the child and the child's parents or guardian within two working days after the start of the investigation, of the school district personnel allegedly involved in the report, and of any witnesses to the alleged incident.

17. The juvenile officer or a law enforcement officer designated by the juvenile officer and the investigating school district personnel shall issue separate reports of their findings and recommendations after the conclusion of the investigation to the school board of the school district within seven days after receiving notice from the children's division.

18. The reports shall contain a statement of conclusion as to whether the report of alleged child abuse is substantiated or is unsubstantiated.

[(5)] **19.** The school board shall consider the separate reports **referred to in subsection 17 of this section** and shall issue its findings and conclusions and the action to be taken, if any, within seven days after receiving the last of the two reports. The findings and conclusions shall be made in substantially the following form:

[(a)] **(1)** The report of the alleged child abuse is unsubstantiated. The juvenile officer or a law enforcement officer designated by the juvenile officer and the investigating school board personnel agree that [the evidence shows that no] **there was not a preponderance of evidence to substantiate that** abuse occurred;

[(b)] **(2)** The report of the alleged child abuse is substantiated. The juvenile officer or a law enforcement officer designated by the juvenile officer and the investigating school district personnel agree that the **preponderance of** evidence is sufficient to support a finding that the alleged incident of child abuse did occur;

[(c)] **(3)** The issue involved in the alleged incident of child abuse is unresolved. The juvenile officer or a law enforcement officer designated by the juvenile officer and the investigating school personnel are unable to agree on their findings and conclusions on the alleged incident.

[11.] **20.** The findings and conclusions of the school board under [subdivision (5) of] subsection [10] **19** of this section shall be sent to the children's division. If the findings and conclusions of the school board are that the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated, the case closed, and no record shall be entered in the children's division central registry. If the findings and conclusions of the school board are that the report of the alleged child abuse is substantiated, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school district and shall include the information in the division's central

registry. If the findings and conclusions of the school board are that the issue involved in the alleged incident of child abuse is unresolved, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school board, however, the incident and the names of the parties allegedly involved shall not be entered into the central registry of the children's division unless and until the alleged child abuse is substantiated by a court of competent jurisdiction.

[12.] **21.** Any superintendent of schools, president of a school board or such person's designee or juvenile officer who knowingly falsifies any report of any matter pursuant to this section or who knowingly withholds any information relative to any investigation or report pursuant to this section is guilty of a class A misdemeanor.

[13.] **22.** In order to ensure the safety of all students, should a student be expelled for bringing a weapon to school, violent behavior, or for an act of school violence, that student shall not, for the purposes of the accreditation process of the Missouri school improvement plan, be considered a dropout or be included in the calculation of that district's educational persistence ratio.

160.262. 1. The office of the child advocate as created in section 37.705 shall be authorized to coordinate mediation efforts between school districts and students when requested by both parties when allegations of child abuse arise in a school setting. The office of the child advocate shall maintain a list of individuals who are qualified mediators. The child advocate shall be available as one of the mediators on the list from which parents can choose.

2. Mediation procedures shall meet the following requirements:

(1) The mediation process shall not be used to deny or delay any other complaint process available to the parties; and

(2) The mediation process shall be conducted by a qualified and impartial mediator trained in effective mediation techniques who is not affiliated with schools or school professional associations, is not a mandated reporter of child abuse under state law or regulation, and who is available as a public service.

3. No student, parent of a student, school employee, or school district shall be required to participate in mediation under this section. If either the school district or the student or student's parent does not wish to enter into mediation, mediation shall not occur.

4. Each session in the mediation process shall be scheduled in a timely manner and be held in a location that is convenient to the parties in dispute.

5. Discussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent administrative proceeding, administrative hearing, nor in any civil or criminal proceeding of any state or federal court.

6. If the parties resolve a dispute through the mediation process, the parties shall execute a legally binding agreement that sets forth the resolution and:

(1) States that all discussions that occurred during the mediation process shall remain confidential and may not be used as evidence in any subsequent administrative proceeding, administrative hearing, or civil proceeding of any federal or state court; and

(2) Is signed by a representative of each party who has authority to bind the party.”; and

Further amend said bill, page 4, section 160.2110, line 22, by inserting after all of said line the following:

“162.014. No person shall be a candidate for a member or director of the school board in any school district in this state if such person is registered or is required to be registered as a sex offender under sections 589.400 to 589.425. Any member or director of the school board of any school district who is registered or required to be registered as a sex offender under sections 589.400 to 589.425 shall be ineligible to serve as a member or director of a school board of any school district at the conclusion of his or her term of office.

162.068. 1. By July 1, 2012, every school district shall adopt a written policy on information that the district provides about former employees, both certificated and noncertificated, to other public schools. The policy shall include who is permitted to respond to requests for information from potential employers and the information the district would provide when responding to such a request. The policy shall require that notice of this provision be provided to all current employees and to all potential employers who contact the school district regarding the possible employment of a school district employee.

2. Any school district that employs a person about whom the children’s division conducts an investigation involving allegations of sexual misconduct with a student and reaches a finding of substantiated shall immediately suspend the employment of such person, notwithstanding any other provision of law, but the district may return the person to his or her employment if the child abuse and neglect review board’s finding that the allegation is substantiated is reversed by a court on appeal and becomes final. Nothing shall preclude a school district from otherwise lawfully terminating the employment of any employee about whom there has been a finding of unsubstantiated resulting from an investigation by the children’s division involving allegations of sexual misconduct with a student.

3. Any school district employee who is permitted to respond to requests for information regarding former employees under a policy adopted by his or her school district under subsection 2 of this section and who communicates only the information which such policy directs, and who acts in good faith and without malice shall be immune against any civil action for damages brought by the former employee arising out of the communication of such information. If any such action is brought, the school district employee may, at his or her option, request the attorney general to defend him or her in such suit and the attorney general shall provide such defense, except that if the attorney general represents the school district or the department of elementary and secondary education in a pending licensing matter under section 168.071 the attorney general shall not represent the school district employee.

4. Notwithstanding the provisions of subsection 2 of this section, if a district that has employed any employee whose job involves contact with children receives allegations of sexual misconduct concerning the employee and as a result of such allegations or as a result of such allegations being substantiated by the child abuse and neglect review board dismisses the employee or allows the employee to resign in lieu of being fired and fails to disclose the allegations of sexual misconduct when furnishing a reference for the former employee or responding to a potential employer’s request for information regarding such employee, the district shall be directly liable for damages to any student of a subsequent employing district who is found by a court of competent jurisdiction to be a victim of the former employee’s sexual misconduct, and the district shall bear third-party liability to the

employing district for any legal liability, legal fees, costs, and expenses incurred by the employing district caused by the failure to disclose such information to the employing district.

5. If a school district has previously employed a person about whom the children's division has conducted an investigation involving allegations of sexual misconduct with a student and has reached a finding of substantiated and another public school contacts the district for a reference for the former employee, the district shall disclose the results of the children's division's investigation to the public school.

6. Any school district employee, acting in good faith, who reports alleged sexual misconduct on the part of a teacher or other school employee shall not be discharged or otherwise discriminated against in any fashion because of such reporting.

162.069. 1. Every school district shall, by January 1, 2012, promulgate a written policy concerning teacher-student communication and employee-student communication. Such policy shall contain at least the following elements:

(1) Appropriate oral and nonverbal personal communication, which may be combined with or included in any policy on sexual harassment; and

(2) Appropriate use of electronic media such as text messaging and internet sites for both instructional and personal purposes, with an element concerning use of social networking sites no less stringent than the provisions of subsections 2, 3, and 4 of this section.

2. As used in this section, the following terms shall mean:

(1) "Exclusive access", the information on the website is available only to the owner (teacher) and user (student) by mutual explicit consent and where third parties have no access to the information on the website absent an explicit consent agreement with the owner (teacher);

(2) "Former student", any person who was at one time a student at the school at which the teacher is employed and who is eighteen years of age or less and who has not graduated;

(3) "Nonwork-related internet site", any internet website or web page used by a teacher primarily for personal purposes and not for educational purposes;

(4) "Work-related internet site", any internet website or web pages used by a teacher for educational purposes.

3. No teacher shall establish, maintain, or use a work-related internet site unless such site is available to school administrators and the child's legal custodian, physical custodian, or legal guardian.

4. No teacher shall establish, maintain, or use a nonwork-related internet site which allows exclusive access with a current or former student. Nothing in this subsection shall be construed as prohibiting a teacher from establishing a nonwork related internet site, provided the site is used in accordance with this section.

5. Every school district shall, by July 1, 2012, include in its teacher and employee training, a component that provides up-to-date and reliable information on identifying signs of sexual abuse in children and danger signals of potentially abusive relationships between children and adults. The training shall emphasize the importance of mandatory reporting of abuse under section 210.115

including the obligation of mandated reporters to report suspected abuse by other mandated reporters, and how to establish an atmosphere of trust so that students feel their school has concerned adults with whom they feel comfortable discussing matters related to abuse.

168.021. 1. Certificates of license to teach in the public schools of the state shall be granted as follows:

(1) By the state board, under rules and regulations prescribed by it:

- (a) Upon the basis of college credit;
- (b) Upon the basis of examination;

(2) By the state board, under rules and regulations prescribed by the state board with advice from the advisory council established by section 168.015 to any individual who presents to the state board a valid doctoral degree from an accredited institution of higher education accredited by a regional accrediting association such as North Central Association. Such certificate shall be limited to the major area of postgraduate study of the holder, shall be issued only after successful completion of the examination required for graduation pursuant to rules adopted by the state board of education, and shall be restricted to those certificates established pursuant to subdivision (1) of subsection 3 of this section;

(3) By the state board, which shall issue the professional certificate classification in both the general and specialized areas most closely aligned with the current areas of certification approved by the state board, commensurate with the years of teaching experience of the applicant, and based upon the following criteria:

(a) Recommendation of a state-approved baccalaureate-level teacher preparation program;

(b) Successful attainment of the Missouri qualifying score on the exit assessment for teachers or administrators designated by the state board of education. Applicants who have not successfully achieved a qualifying score on the designated examinations will be issued a two-year nonrenewable provisional certificate; and

(c) Upon completion of a background check **as prescribed in section 168.133** and possession of a valid teaching certificate in the state from which the applicant's teacher preparation program was completed;

(4) By the state board, under rules prescribed by it, on the basis of a relevant bachelor's degree, or higher degree, and a passing score for the designated exit examination, for individuals whose academic degree and professional experience are suitable to provide a basis for instruction solely in the subject matter of banking or financial responsibility, at the discretion of the state board. Such certificate shall be limited to the major area of study of the holder and shall be restricted to those certificates established under subdivision (1) of subsection 3 of this section. Holders of certificates granted under this subdivision shall be exempt from the teacher tenure act under sections 168.102 to 168.130 and each school district shall have the decision-making authority on whether to hire the holders of such certificates; or

(5) By the state board, under rules and regulations prescribed by it, on the basis of certification by the American Board for Certification of Teacher Excellence (ABCTE) and verification of ability to work with children as demonstrated by sixty contact hours in any one of the following areas as validated by the school principal: sixty contact hours in the classroom, of which at least forty-five must be teaching; sixty contact hours as a substitute teacher, with at least thirty consecutive hours in the same classroom; sixty contact hours of teaching in a private school; or sixty contact hours of teaching as a paraprofessional, for an initial four-year ABCTE certificate of license to teach, except that such certificate shall not be granted for the areas of early childhood education, elementary education, or special education. Upon the completion of the

requirements listed in paragraphs (a), (b), (c), and (d) of this subdivision, an applicant shall be eligible to apply for a career continuous professional certificate under subdivision (2) of subsection 3 of this section:

(a) Completion of thirty contact hours of professional development within four years, which may include hours spent in class in an appropriate college curriculum;

(b) Validated completion of two years of the mentoring program of the American Board for Certification of Teacher Excellence or a district mentoring program approved by the state board of education;

(c) Attainment of a successful performance-based teacher evaluation; and

(d) Participate in a beginning teacher assistance program.

2. All valid teaching certificates issued pursuant to law or state board policies and regulations prior to September 1, 1988, shall be exempt from the professional development requirements of this section and shall continue in effect until they expire, are revoked or suspended, as provided by law. When such certificates are required to be renewed, the state board or its designee shall grant to each holder of such a certificate the certificate most nearly equivalent to the one so held. Anyone who holds, as of August 28, 2003, a valid PC-I, PC-II, or continuous professional certificate shall, upon expiration of his or her current certificate, be issued the appropriate level of certificate based upon the classification system established pursuant to subsection 3 of this section.

3. Certificates of license to teach in the public schools of the state shall be based upon minimum requirements prescribed by the state board of education **which shall include completion of a background check as prescribed in section 168.133**. The state board shall provide for the following levels of professional certification: an initial professional certificate and a career continuous professional certificate.

(1) The initial professional certificate shall be issued upon completion of requirements established by the state board of education and shall be valid based upon verification of actual teaching within a specified time period established by the state board of education. The state board shall require holders of the four-year initial professional certificate to:

(a) Participate in a mentoring program approved and provided by the district for a minimum of two years;

(b) Complete thirty contact hours of professional development, which may include hours spent in class in an appropriate college curriculum, or for holders of a certificate under subdivision (4) of subsection 1 of this section, an amount of professional development in proportion to the certificate holder's hours in the classroom, if the certificate holder is employed less than full time; and

(c) Participate in a beginning teacher assistance program;

(2) (a) The career continuous professional certificate shall be issued upon verification of completion of four years of teaching under the initial professional certificate and upon verification of the completion of the requirements articulated in paragraphs (a), (b), and (c) of subdivision (1) of this subsection or paragraphs (a), (b), (c), and (d) of subdivision (5) of subsection 1 of this section.

(b) The career continuous professional certificate shall be continuous based upon verification of actual employment in an educational position as provided for in state board guidelines and completion of fifteen contact hours of professional development per year which may include hours spent in class in an appropriate college curriculum. Should the possessor of a valid career continuous professional certificate fail, in any given year,

to meet the fifteen-hour professional development requirement, the possessor may, within two years, make up the missing hours. In order to make up for missing hours, the possessor shall first complete the fifteen-hour requirement for the current year and then may count hours in excess of the current year requirement as make-up hours. Should the possessor fail to make up the missing hours within two years, the certificate shall become inactive. In order to reactivate the certificate, the possessor shall complete twenty-four contact hours of professional development which may include hours spent in the classroom in an appropriate college curriculum within the six months prior to or after reactivating his or her certificate. The requirements of this paragraph shall be monitored and verified by the local school district which employs the holder of the career continuous professional certificate.

(c) A holder of a career continuous professional certificate shall be exempt from the professional development contact hour requirements of paragraph (b) of this subdivision if such teacher has a local professional development plan in place within such teacher's school district and meets two of the three following criteria:

- a. Has ten years of teaching experience as defined by the state board of education;
- b. Possesses a master's degree; or
- c. Obtains a rigorous national certification as approved by the state board of education.

4. Policies and procedures shall be established by which a teacher who was not retained due to a reduction in force may retain the current level of certification. There shall also be established policies and procedures allowing a teacher who has not been employed in an educational position for three years or more to reactivate his or her last level of certification by completing twenty-four contact hours of professional development which may include hours spent in the classroom in an appropriate college curriculum within the six months prior to or after reactivating his or her certificate.

5. The state board shall, upon [an appropriate] **completion of a background check as prescribed in section 168.133**, issue a professional certificate classification in the areas most closely aligned with an applicant's current areas of certification, commensurate with the years of teaching experience of the applicant, to any person who is hired to teach in a public school in this state and who possesses a valid teaching certificate from another state or certification under subdivision (4) of subsection 1 of this section, provided that the certificate holder shall annually complete the state board's requirements for such level of certification, and shall establish policies by which residents of states other than the state of Missouri may be assessed a fee for a certificate license to teach in the public schools of Missouri. Such fee shall be in an amount sufficient to recover any or all costs associated with the issuing of a certificate of license to teach. The board shall promulgate rules to authorize the issuance of a provisional certificate of license, which shall allow the holder to assume classroom duties pending the completion of a criminal background check under section 168.133, for any applicant who:

- (1) Is the spouse of a member of the armed forces stationed in Missouri;
 - (2) Relocated from another state within one year of the date of application;
 - (3) Underwent a criminal background check in order to be issued a teaching certificate of license from another state; and
 - (4) Otherwise qualifies under this section.
6. The state board may assess to holders of an initial professional certificate a fee, to be deposited into

the excellence in education revolving fund established pursuant to section 160.268, for the issuance of the career continuous professional certificate. However, such fee shall not exceed the combined costs of issuance and any criminal background check required as a condition of issuance. Applicants for the initial ABCTE certificate shall be responsible for any fees associated with the program leading to the issuance of the certificate, but nothing in this section shall prohibit a district from developing a policy that permits fee reimbursement.

7. Any member of the public school retirement system of Missouri who entered covered employment with ten or more years of educational experience in another state or states and held a certificate issued by another state and subsequently worked in a school district covered by the public school retirement system of Missouri for ten or more years who later became certificated in Missouri shall have that certificate dated back to his or her original date of employment in a Missouri public school.

8. The provisions of subdivision (5) of subsection 1 of this section, as well as any other provision of this section relating to the American Board for Certification of Teacher Excellence, shall terminate on August 28, 2014.

168.071. 1. The state board of education may refuse to issue or renew a certificate, or may, upon hearing, discipline the holder of a certificate of license to teach for the following causes:

(1) A certificate holder or applicant for a certificate has pleaded to or been found guilty of a felony or crime involving moral turpitude under the laws of this state, any other state, of the United States, or any other country, whether or not sentence is imposed;

(2) The certification was obtained through use of fraud, deception, misrepresentation or bribery;

(3) There is evidence of incompetence, immorality, or neglect of duty by the certificate holder;

(4) A certificate holder has been subject to disciplinary action relating to certification issued by another state, territory, federal agency, or country upon grounds for which discipline is authorized in this section; or

(5) If charges are filed by the local board of education, based upon the annulling of a written contract with the local board of education, for reasons other than election to the general assembly, without the consent of the majority of the members of the board that is a party to the contract.

2. A public school district may file charges seeking the discipline of a holder of a certificate of license to teach based upon any cause or combination of causes outlined in subsection 1 of this section, including annulment of a written contract. Charges shall be in writing, specify the basis for the charges, and be signed by the chief administrative officer of the district, or by the president of the board of education as authorized by a majority of the board of education. The board of education may also petition the office of the attorney general to file charges on behalf of the school district for any cause other than annulment of contract, with acceptance of the petition at the discretion of the attorney general.

3. The department of elementary and secondary education may file charges seeking the discipline of a holder of a certificate of license to teach based upon any cause or combination of causes outlined in subsection 1 of this section, other than annulment of contract. Charges shall be in writing, specify the basis for the charges, and be signed by legal counsel representing the department of elementary and secondary education.

4. If the underlying conduct or actions which are the basis for charges filed pursuant to this section are

also the subject of a pending criminal charge against the person holding such certificate, the certificate holder may request, in writing, a delayed hearing on advice of counsel under the fifth amendment of the Constitution of the United States. Based upon such a request, no hearing shall be held until after a trial has been completed on this criminal charge.

5. The certificate holder shall be given not less than thirty days' notice of any hearing held pursuant to this section.

6. Other provisions of this section notwithstanding, the certificate of license to teach shall be revoked or, in the case of an applicant, a certificate shall not be issued, if the certificate holder or applicant has pleaded guilty to or been found guilty of any of the following offenses established pursuant to Missouri law or offenses of a similar nature established under the laws of any other state or of the United States, or any other country, whether or not the sentence is imposed:

(1) Any dangerous felony as defined in section 556.061, RSMo, or murder in the first degree **under section 565.020**;

(2) Any of the following sexual offenses: rape **under section 566.030**; statutory rape in the first degree **under section 566.032**; statutory rape in the second degree **under section 566.034**; sexual assault **under section 566.040**; forcible sodomy **under section 566.060**; statutory sodomy in the first degree **under section 566.062**; statutory sodomy in the second degree **under section 566.064**; child molestation in the first degree **under section 566.067**; child molestation in the second degree **under section 566.068**; deviate sexual assault **under section 566.070**; sexual misconduct involving a child **under section 566.083**; **sexual contact with a student while on public school property under section 566.086**; sexual misconduct in the first degree **under section 566.090**; **sexual misconduct in the second degree under section 566.093**; **sexual misconduct in the third degree under section 566.095**; sexual abuse **under section 565.100**; enticement of a child **under section 566.151**; or attempting to entice a child;

(3) Any of the following offenses against the family and related offenses: incest **under section 568.020**; abandonment of child in the first degree **under section 568.030**; abandonment of child in the second degree **under section 568.032**; endangering the welfare of a child in the first degree **under section 568.045**; abuse of a child **under section 568.060**; child used in a sexual performance **under section 568.080**; promoting sexual performance by a child **under section 568.090**; or trafficking in children **under section 568.175**; and

(4) Any of the following offenses involving child pornography and related offenses: promoting obscenity in the first degree **under section 573.020**; promoting obscenity in the second degree when the penalty is enhanced to a class D felony **under section 573.030**; promoting child pornography in the first degree **under section 573.025**; promoting child pornography in the second degree **under section 573.035**; possession of child pornography [in the first degree] **under section 573.037**; [possession of child pornography in the second degree; furnishing child pornography to a minor;] furnishing pornographic materials to minors **under section 573.040**; or coercing acceptance of obscene material **under section 573.065**.

7. When a certificate holder pleads guilty or is found guilty of any offense that would authorize the state board of education to seek discipline against that holder's certificate of license to teach, the local board of education or the department of elementary and secondary education shall immediately provide written notice to the state board of education and the attorney general regarding the plea of guilty or finding of guilty.

8. The certificate holder whose certificate was revoked pursuant to subsection 6 of this section may appeal such revocation to the state board of education. Notice of this appeal must be received by the commissioner of education within ninety days of notice of revocation pursuant to this subsection. Failure of the certificate holder to notify the commissioner of the intent to appeal waives all rights to appeal the revocation. Upon notice of the certificate holder's intent to appeal, an appeal hearing shall be held by a hearing officer designated by the commissioner of education, with the final decision made by the state board of education, based upon the record of that hearing. The certificate holder shall be given not less than thirty days' notice of the hearing, and an opportunity to be heard by the hearing officer, together with witnesses.

9. In the case of any certificate holder who has surrendered or failed to renew his or her certificate of license to teach, the state board of education may refuse to issue or renew, or may suspend or revoke, such certificate for any of the reasons contained in this section.

10. In those cases where the charges filed pursuant to this section are based upon an allegation of misconduct involving a minor child, the hearing officer may accept into the record the sworn testimony of the minor child relating to the misconduct received in any court or administrative hearing.

11. Hearings, appeals or other matters involving certificate holders, licensees or applicants pursuant to this section may be informally resolved by consent agreement or agreed settlement or voluntary surrender of the certificate of license pursuant to the rules promulgated by the state board of education.

12. The final decision of the state board of education is subject to judicial review pursuant to sections 536.100 to 536.140, RSMo.

13. A certificate of license to teach to an individual who has been convicted of a felony or crime involving moral turpitude, whether or not sentence is imposed, shall be issued only upon motion of the state board of education adopted by a unanimous affirmative vote of those members present and voting.

168.133. 1. The school district shall ensure that a criminal background check is conducted on any person employed after January 1, 2005, authorized to have contact with pupils and prior to the individual having contact with any pupil. Such persons include, but are not limited to, administrators, teachers, aides, paraprofessionals, assistants, secretaries, custodians, cooks, and nurses. The school district shall also ensure that a criminal background check is conducted for school bus drivers. The district may allow such drivers to operate buses pending the result of the criminal background check. For bus drivers, the **school district shall be responsible for conducting the criminal** background check [shall be conducted] on drivers employed by the school district [or]. **For drivers** employed by a pupil transportation company under contract with the school district, **the criminal background check shall be conducted pursuant to section 43.540 and conform to the requirements established in the National Child Protection Act of 1993, as amended by the Volunteers for Children Act. Personnel who have successfully undergone a criminal background check and a check of the family care safety registry as part of the professional license application process under section 168.021 and who have received clearance on the checks within one prior year of employment shall be considered to have completed the background check requirement. A criminal background check under this section shall include a search of any information publicly available in an electronic format through a public index or single case display.**

2. In order to facilitate the criminal history background check [on any person employed after January 1, 2005], the applicant shall submit [two sets] **a set** of fingerprints collected pursuant to standards determined by the Missouri highway patrol. [One set of] **The** fingerprints shall be used by the highway patrol to search the criminal history repository [and the family care safety registry pursuant to sections

210.900 to 210.936, RSMo,] and [the second set] shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files.

3. The applicant shall pay the fee for the state criminal history record information pursuant to section 43.530, RSMo, and sections 210.900 to 210.936, RSMo, and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history record when he or she applies for a position authorized to have contact with pupils pursuant to this section. The department shall distribute the fees collected for the state and federal criminal histories to the Missouri highway patrol.

4. **The department of elementary and secondary education shall facilitate an annual check of employed persons holding current active certificates under section 168.021 against criminal history records in the central repository under section 43.530, the sexual offender registry under sections 589.400 to 589.475, and child abuse central registry under sections 210.109 to 210.183. The department of elementary and secondary education shall facilitate procedures for school districts to submit personnel information annually for persons employed by the school districts who do not hold a current valid certificate who are required by subsection 1 of this section to undergo a criminal background check, sexual offender registry check, and child abuse central registry check. The Missouri state highway patrol shall provide ongoing electronic updates to criminal history background checks of those persons previously submitted, both those who have an active certificate and those who do not have an active certificate, by the department of elementary and secondary education. This shall fulfill the annual check against the criminal history records in the central repository under section 43.530.**

5. The school district may adopt a policy to provide for reimbursement of expenses incurred by an employee for state and federal criminal history information pursuant to section 43.530, RSMo.

[5.] 6. If, as a result of the criminal history background check mandated by this section, it is determined that the holder of a certificate issued pursuant to section 168.021 has pled guilty or nolo contendere to, or been found guilty of a crime or offense listed in section 168.071, or a similar crime or offense committed in another state, the United States, or any other country, regardless of imposition of sentence, such information shall be reported to the department of elementary and secondary education.

[6.] 7. Any school official making a report to the department of elementary and secondary education in conformity with this section shall not be subject to civil liability for such action.

[7.] 8. For any teacher who is employed by a school district on a substitute or part-time basis within one year of such teacher's retirement from a Missouri school, the state of Missouri shall not require such teacher to be subject to any additional background checks prior to having contact with pupils. Nothing in this subsection shall be construed as prohibiting or otherwise restricting a school district from requiring additional background checks for such teachers employed by the school district.

[8.] 9. A criminal background check and fingerprint collection conducted under subsections 1 and 2 of this section shall be valid for at least a period of one year and transferrable from one school district to another district. **A school district may, in its discretion, conduct a new criminal background check and fingerprint collection under subsections 1 and 2 for a newly hired employee at the district's expense.** A teacher's change in type of certification shall have no effect on the transferability or validity of such records.

[9.] 10. Nothing in this section shall be construed to alter the standards for suspension, denial, or

revocation of a certificate issued pursuant to this chapter.

[10.] **11.** The state board of education may promulgate rules for criminal history background checks made pursuant to this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after January 1, 2005, shall be invalid and void.

210.135. **1.** Any person, official, or institution complying with the provisions of sections 210.110 to 210.165 in the making of a report, the taking of color photographs, or the making of radiologic examinations pursuant to sections 210.110 to 210.165, or both such taking of color photographs and making of radiologic examinations, or the removal or retaining a child pursuant to sections 210.110 to 210.165, or in cooperating with the division, or any other law enforcement agency, juvenile office, court, or child-protective service agency of this or any other state, in any of the activities pursuant to sections 210.110 to 210.165, or any other allegation of child abuse, neglect or assault, pursuant to sections 568.045 to 568.060, RSMo, shall have immunity from any liability, civil or criminal, that otherwise might result by reason of such actions. Provided, however, any person, official or institution intentionally filing a false report, acting in bad faith, or with ill intent, shall not have immunity from any liability, civil or criminal. Any such person, official, or institution shall have the same immunity with respect to participation in any judicial proceeding resulting from the report.

2. Any person, who is not a school district employee, who makes a report to any employee of the school district of child abuse by a school employee shall have immunity from any liability, civil or criminal, that otherwise might result because of such report. Provided, however, that any such person who makes a false report, knowing that the report is false, or who acts in bad faith or with ill intent in making such report shall not have immunity from any liability, civil or criminal. Any such person shall have the same immunity with respect to participation in any judicial proceeding resulting from the report.

210.145. **1.** The division shall develop protocols which give priority to:

(1) Ensuring the well-being and safety of the child in instances where child abuse or neglect has been alleged;

(2) Promoting the preservation and reunification of children and families consistent with state and federal law;

(3) Providing due process for those accused of child abuse or neglect; and

(4) Maintaining an information system operating at all times, capable of receiving and maintaining reports. This information system shall have the ability to receive reports over a single, statewide toll-free number. Such information system shall maintain the results of all investigations, family assessments and services, and other relevant information.

2. The division shall utilize structured decision-making protocols for classification purposes of all child abuse and neglect reports. The protocols developed by the division shall give priority to ensuring the well-being and safety of the child. All child abuse and neglect reports shall be initiated within twenty-four

hours and shall be classified based upon the reported risk and injury to the child. The division shall promulgate rules regarding the structured decision-making protocols to be utilized for all child abuse and neglect reports.

3. Upon receipt of a report, the division shall determine if the report merits investigation, including reports which if true would constitute a suspected violation of any of the following: section 565.020, 565.021, 565.023, 565.024, or 565.050, RSMo, if the victim is a child less than eighteen years of age, section 566.030 or 566.060, RSMo, if the victim is a child less than eighteen years of age, or other crimes under chapter 566, RSMo, if the victim is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older, section 567.050, RSMo, if the victim is a child less than eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, or 568.090, RSMo, section 573.025, 573.035, 573.037, or 573.040, RSMo, or an attempt to commit any such crimes. The division shall immediately communicate all reports that merit investigation to its appropriate local office and any relevant information as may be contained in the information system. The local division staff shall determine, through the use of protocols developed by the division, whether an investigation or the family assessment and services approach should be used to respond to the allegation. The protocols developed by the division shall give priority to ensuring the well-being and safety of the child.

4. The local office shall contact the appropriate law enforcement agency immediately upon receipt of a report which division personnel determine merits an investigation and provide such agency with a detailed description of the report received. In such cases the local division office shall request the assistance of the local law enforcement agency in all aspects of the investigation of the complaint. The appropriate law enforcement agency shall either assist the division in the investigation or provide the division, within twenty-four hours, an explanation in writing detailing the reasons why it is unable to assist.

5. The local office of the division shall cause an investigation or family assessment and services approach to be initiated in accordance with the protocols established in subsection 2 of this section, except in cases where the sole basis for the report is educational neglect. If the report indicates that educational neglect is the only complaint and there is no suspicion of other neglect or abuse, the investigation shall be initiated within seventy-two hours of receipt of the report. If the report indicates the child is in danger of serious physical harm or threat to life, an investigation shall include direct observation of the subject child within twenty-four hours of the receipt of the report. Local law enforcement shall take all necessary steps to facilitate such direct observation. If the parents of the child are not the alleged abusers, a parent of the child must be notified prior to the child being interviewed by the division. If the abuse is alleged to have occurred in a school or child-care facility the division shall not meet with the child in any school building or child-care facility building where abuse of such child is alleged to have occurred. When the child is reported absent from the residence, the location and the well-being of the child shall be verified. For purposes of this subsection, child-care facility shall have the same meaning as such term is defined in section 210.201.

6. The director of the division shall name at least one chief investigator for each local division office, who shall direct the division response on any case involving a second or subsequent incident regarding the same subject child or perpetrator. The duties of a chief investigator shall include verification of direct observation of the subject child by the division and shall ensure information regarding the status of an investigation is provided to the public school district liaison. The public school district liaison shall develop protocol in conjunction with the chief investigator to ensure information regarding an investigation is shared with appropriate school personnel. The superintendent of each school district shall designate a specific

person or persons to act as the public school district liaison. Should the subject child attend a nonpublic school the chief investigator shall notify the school principal of the investigation. Upon notification of an investigation, all information received by the public school district liaison or the school shall be subject to the provisions of the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C., Section 1232g, and federal rule 34 C.F.R., Part 99.

7. The investigation shall include but not be limited to the nature, extent, and cause of the abuse or neglect; the identity and age of the person responsible for the abuse or neglect; the names and conditions of other children in the home, if any; the home environment and the relationship of the subject child to the parents or other persons responsible for the child's care; any indication of incidents of physical violence against any other household or family member; and other pertinent data.

8. When a report has been made by a person required to report under section 210.115, the division shall contact the person who made such report within forty-eight hours of the receipt of the report in order to ensure that full information has been received and to obtain any additional information or medical records, or both, that may be pertinent.

9. Upon completion of the investigation, if the division suspects that the report was made maliciously or for the purpose of harassment, the division shall refer the report and any evidence of malice or harassment to the local prosecuting or circuit attorney.

10. Multidisciplinary teams shall be used whenever conducting the investigation as determined by the division in conjunction with local law enforcement. Multidisciplinary teams shall be used in providing protective or preventive social services, including the services of law enforcement, a liaison of the local public school, the juvenile officer, the juvenile court, and other agencies, both public and private.

11. For all family support team meetings involving an alleged victim of child abuse or neglect, the parents, legal counsel for the parents, foster parents, the legal guardian or custodian of the child, the guardian ad litem for the child, and the volunteer advocate for the child shall be provided notice and be permitted to attend all such meetings. Family members, other than alleged perpetrators, or other community informal or formal service providers that provide significant support to the child and other individuals may also be invited at the discretion of the parents of the child. In addition, the parents, the legal counsel for the parents, the legal guardian or custodian and the foster parents may request that other individuals, other than alleged perpetrators, be permitted to attend such team meetings. Once a person is provided notice of or attends such team meetings, the division or the convenor of the meeting shall provide such persons with notice of all such subsequent meetings involving the child. Families may determine whether individuals invited at their discretion shall continue to be invited.

12. If the appropriate local division personnel determine after an investigation has begun that completing an investigation is not appropriate, the division shall conduct a family assessment and services approach. The division shall provide written notification to local law enforcement prior to terminating any investigative process. The reason for the termination of the investigative process shall be documented in the record of the division and the written notification submitted to local law enforcement. Such notification shall not preclude nor prevent any investigation by law enforcement.

13. If the appropriate local division personnel determines to use a family assessment and services approach, the division shall:

(1) Assess any service needs of the family. The assessment of risk and service needs shall be based on information gathered from the family and other sources;

(2) Provide services which are voluntary and time-limited unless it is determined by the division based on the assessment of risk that there will be a high risk of abuse or neglect if the family refuses to accept the services. The division shall identify services for families where it is determined that the child is at high risk of future abuse or neglect. The division shall thoroughly document in the record its attempt to provide voluntary services and the reasons these services are important to reduce the risk of future abuse or neglect to the child. If the family continues to refuse voluntary services or the child needs to be protected, the division may commence an investigation;

(3) Commence an immediate investigation if at any time during the family assessment and services approach the division determines that an investigation, as delineated in sections 210.109 to 210.183, is required. The division staff who have conducted the assessment may remain involved in the provision of services to the child and family;

(4) Document at the time the case is closed, the outcome of the family assessment and services approach, any service provided and the removal of risk to the child, if it existed.

14. Within thirty days of an oral report of abuse or neglect, the local office shall update the information in the information system. The information system shall contain, at a minimum, the determination made by the division as a result of the investigation, identifying information on the subjects of the report, those responsible for the care of the subject child and other relevant dispositional information. The division shall complete all investigations within thirty days, unless good cause for the failure to complete the investigation is documented in the information system. If a child involved in a pending investigation dies, the investigation shall remain open until the division's investigation surrounding the death is completed. If the investigation is not completed within thirty days, the information system shall be updated at regular intervals and upon the completion of the investigation. The information in the information system shall be updated to reflect any subsequent findings, including any changes to the findings based on an administrative or judicial hearing on the matter.

15. A person required to report under section 210.115 to the division and any person making a report of child abuse or neglect made to the division which is not made anonymously shall be informed by the division of his or her right to obtain information concerning the disposition of his or her report. Such person shall receive, from the local office, if requested, information on the general disposition of his or her report. Such person may receive, if requested, findings and information concerning the case. Such release of information shall be at the discretion of the director based upon a review of the reporter's ability to assist in protecting the child or the potential harm to the child or other children within the family. The local office shall respond to the request within forty-five days. The findings shall be made available to the reporter within five days of the outcome of the investigation. If the report is determined to be unsubstantiated, the reporter may request that the report be referred by the division to the office of child advocate for children's protection and services established in sections 37.700 to 37.730, RSMo. Upon request by a reporter under this subsection, the division shall refer an unsubstantiated report of child abuse or neglect to the office of child advocate for children's protection and services.

16. The division shall provide to any individual, who is not satisfied with the results of an investigation, information about the office of child advocate and the services it may provide under sections 37.700 to 37.730.

17. In any judicial proceeding involving the custody of a child the fact that a report may have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However:

(1) Nothing in this subsection shall prohibit the introduction of evidence from independent sources to support the allegations that may have caused a report to have been made; and

(2) The court may on its own motion, or shall if requested by a party to the proceeding, make an inquiry not on the record with the children's division to determine if such a report has been made. If a report has been made, the court may stay the custody proceeding until the children's division completes its investigation.

[17.] **18.** In any judicial proceeding involving the custody of a child where the court determines that the child is in need of services pursuant to subdivision (d) of subsection 1 of section 211.031, RSMo, and has taken jurisdiction, the child's parent, guardian or custodian shall not be entered into the registry.

[18.] **19.** The children's division is hereby granted the authority to promulgate rules and regulations pursuant to the provisions of section 207.021, RSMo, and chapter 536, RSMo, to carry out the provisions of sections 210.109 to 210.183.

[19.] **20.** Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.

210.152. 1. All identifying information, including telephone reports reported pursuant to section 210.145, relating to reports of abuse or neglect received by the division shall be retained by the division and removed from the records of the division as follows:

(1) For investigation reports contained in the central registry, identifying information shall be retained by the division;

(2) (a) For investigation reports initiated against a person required to report pursuant to section 210.115, where insufficient evidence of abuse or neglect is found by the division and where the division determines the allegation of abuse or neglect was made maliciously, for purposes of harassment or in retaliation for the filing of a report by a person required to report, identifying information shall be expunged by the division within forty-five days from the conclusion of the investigation;

(b) For investigation reports, where insufficient evidence of abuse or neglect is found by the division and where the division determines the allegation of abuse or neglect was made maliciously, for purposes of harassment or in retaliation for the filing of a report, identifying information shall be expunged by the division within forty-five days from the conclusion of the investigation;

(c) For investigation reports initiated by a person required to report under section 210.115, where insufficient evidence of abuse or neglect is found by the division, identifying information shall be retained for five years from the conclusion of the investigation. For all other investigation reports where insufficient evidence of abuse or neglect is found by the division, identifying information shall be retained for two years from the conclusion of the investigation. Such reports shall include any exculpatory evidence known by the division, including exculpatory evidence obtained after the closing of the case. At the end of such time period, the identifying information shall be removed from the records of the division and destroyed;

(3) For reports where the division uses the family assessment and services approach, identifying information shall be retained by the division;

(4) For reports in which the division is unable to locate the child alleged to have been abused or neglected, identifying information shall be retained for ten years from the date of the report and then shall be removed from the records of the division.

2. Within ninety days after receipt of a report of abuse or neglect that is investigated, the alleged perpetrator named in the report and the parents of the child named in the report, if the alleged perpetrator is not a parent, shall be notified in writing of any determination made by the division based on the investigation. The notice shall advise either:

(1) That the division has determined by a probable cause finding prior to August 28, 2004, or by a preponderance of the evidence after August 28, 2004, that abuse or neglect exists and that the division shall retain all identifying information regarding the abuse or neglect; that such information shall remain confidential and will not be released except to law enforcement agencies, prosecuting or circuit attorneys, or as provided in section 210.150; that the alleged perpetrator has sixty days from the date of receipt of the notice to seek reversal of the division's determination through a review by the child abuse and neglect review board as provided in subsection 3 of this section; or

(2) That the division has not made a probable cause finding or determined by a preponderance of the evidence that abuse or neglect exists.

3. The children's division may reopen a case for review at the request of the alleged perpetrator, the alleged victim, or the office of the child advocate if new, specific, and credible evidence is obtained that the division's decision was based on fraud or misrepresentation of material facts relevant to the division's decision and there is credible evidence that absent such fraud or misrepresentation the division's decision would have been different. If the alleged victim is under the age of eighteen, the request for review may be made by the alleged victim's parent, legal custodian, or legal guardian. All requests to reopen an investigation for review shall be made within a reasonable time and not more than one year after the children's division made its decision. The division shall not reopen a case for review based on any information which the person requesting the review knew, should have known, or could by the exercise of reasonable care have known before the date of the division's final decision in the case, unless the person requesting the review shows by a preponderance of the evidence that he or she could not have provided such information to the division before the date of the division's final decision in the case. Any person, other than the office of the child advocate, who makes a request to reopen a case for review based on facts which the person knows to be false or misleading or who acts in bad faith or with the intent to harass the alleged victim or perpetrator shall not have immunity from any liability, civil or criminal, for providing the information and requesting that the division reopen the investigation. Any person who makes a request to reopen an investigation based on facts which the person knows to be false shall be guilty of a class A misdemeanor. The children's division shall not reopen an investigation under any circumstances while the case is pending before a court of this state nor when a court has entered a final judgment after de novo judicial review pursuant to section 210.152.

4. Any person named in an investigation as a perpetrator who is aggrieved by a determination of abuse or neglect by the division as provided in this section may seek an administrative review by the child abuse and neglect review board pursuant to the provisions of section 210.153. Such request for review shall be

made within sixty days of notification of the division's decision under this section. In those cases where criminal charges arising out of facts of the investigation are pending, the request for review shall be made within sixty days from the court's final disposition or dismissal of the charges.

[4.] **5.** In any such action for administrative review, the child abuse and neglect review board shall sustain the division's determination if such determination was supported by evidence of probable cause prior to August 28, 2004, or is supported by a preponderance of the evidence after August 28, 2004, and is not against the weight of such evidence. The child abuse and neglect review board hearing shall be closed to all persons except the parties, their attorneys and those persons providing testimony on behalf of the parties.

[5.] **6.** If the alleged perpetrator is aggrieved by the decision of the child abuse and neglect review board, the alleged perpetrator may seek de novo judicial review in the circuit court in the county in which the alleged perpetrator resides and in circuits with split venue, in the venue in which the alleged perpetrator resides, or in Cole County. If the alleged perpetrator is not a resident of the state, proper venue shall be in Cole County. The case may be assigned to the family court division where such a division has been established. The request for a judicial review shall be made within sixty days of notification of the decision of the child abuse and neglect review board decision. In reviewing such decisions, the circuit court shall provide the alleged perpetrator the opportunity to appear and present testimony. The alleged perpetrator may subpoena any witnesses except the alleged victim or the reporter. However, the circuit court shall have the discretion to allow the parties to submit the case upon a stipulated record.

[6.] **7.** In any such action for administrative review, the child abuse and neglect review board shall notify the child or the parent, guardian or legal representative of the child that a review has been requested.

210.915. The department of corrections, the department of public safety, the department of social services, **the department of elementary and secondary education**, and the department of mental health shall collaborate with the department to compare records on child-care, elder-care, mental health, and personal-care workers, **including those individuals required to undergo a background check under the provisions of section 168.133**, and the records of persons with criminal convictions and the background checks pursuant to subdivisions (1) to (8) of subsection 2 of section 210.903, and to enter into any interagency agreements necessary to facilitate the receipt of such information and the ongoing updating of such information. The department shall promulgate rules and regulations concerning such updating, including subsequent background reviews as listed in subsection 1 of section 210.909.

210.922. The department of health and senior services, department of mental health, **department of elementary and secondary education**, and department of social services may use the registry information to carry out the duties assigned to the department pursuant to this chapter and chapters **168**, 190, 195, 197, 198, 630, and 660, RSMo.

556.037. Notwithstanding the provisions of section 556.036, prosecutions for unlawful sexual offenses involving a person eighteen years of age or under must be commenced within [twenty] **thirty** years after the victim reaches the age of eighteen unless the prosecutions are for forcible rape, attempted forcible rape, forcible sodomy, kidnapping, or attempted forcible sodomy in which case such prosecutions may be commenced at any time.”; and

Further amend the title and enacting clause accordingly.

Senator Cunningham moved that the above amendment be adopted, which motion prevailed.

Senator Lager assumed the Chair.

Senator McKenna moved that **SS** for **SB 286**, as amended, be adopted, which motion prevailed.

On motion of Senator McKenna, **SS** for **SB 286**, as amended, was declared perfected and ordered printed.

Senator Stouffer moved that **SB 268** be taken up for perfection, which motion prevailed.

On motion of Senator Stouffer, **SB 268** was declared perfected and ordered printed.

Senator Pearce moved that **SB 228** be taken up for perfection, which motion prevailed.

At the request of Senator Pearce, **SB 228** was placed on the Informal Calendar.

CONCURRENT RESOLUTIONS

Senator Rupp moved that **SCR 8** be taken up for adoption, which motion prevailed.

Senator Rupp offered **SS** for **SCR 8**:

SENATE SUBSTITUTE FOR SENATE CONCURRENT RESOLUTION NO. 8

WHEREAS, the United States Corps of Engineers' five-year study of the Upper Mississippi River Basin, which is everything north of Cairo, Illinois, failed to produce a plan for flood control acceptable to all stakeholders; and

WHEREAS, the Mississippi River Commission did recommend Plan H to the United States Congress; and

WHEREAS, the Corps of Engineers has not recommended this plan to the United States Congress, citing the expense of the construction of 500-year levees along these rivers, estimated to be \$6 billion, does not meet current cost-benefit guidelines for federal funding; and

WHEREAS, the Corps of Engineers additionally determined a need for better data based upon new hydrology and flow studies and the need to study tributaries of the Mississippi River; and

WHEREAS, the Corps of Engineers indicated that ramifications of the additional 500-year levees and their potential to cause additional flooding would need to be determined, and affected populations and communities informed and advised of the potential impact; and

WHEREAS, the affected counties include the Missouri counties of Lincoln, Pike, and St. Charles; and

WHEREAS, Plan H designates only about half of the levees in the Missouri counties of Lincoln, Pike, and St. Charles be raised, while to the north a higher percentage of 500-year levees are recommended for both sides of the river; and

WHEREAS, the stakeholders in the Missouri counties of Lincoln, Pike, and St. Charles desire the protections provided by the 500-year levees; and

WHEREAS, the proposed Plan H, if implemented, denies the benefits of 500-year levees to those making a living along the Mississippi River, negatively impacting agriculture, transportation, businesses, industries, tourism, hunting, fishing, boating, infrastructure, and residences; and

WHEREAS, over 6,500 citizens have signed petitions opposing the proposed Plan H; and

WHEREAS, the Upper Mississippi River Basin should receive funding comparable to funding for the Southern Mississippi River Basin from Cairo, Illinois, to New Orleans, Louisiana:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-sixth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby strongly urge the United States Congress to support a comprehensive plan for the Upper Mississippi River Basin that enhances system-wide flood control without creating adverse impacts on existing levees, levee districts, rural communities, and metropolitan areas. The plan should be based on analysis that quantifies the impacts of enhanced flood control measures and acknowledges the importance of keeping agricultural land in production. The proposed Plan H making the Missouri counties of Lincoln, Pike, and St. Charles the lowest points on the Mississippi River levee system is totally unacceptable and we ask the Missouri Congressional delegation to oppose this plan; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for each member of the Missouri Congressional delegation.

Senator Rupp moved that **SS** for **SCR 8** be adopted, which motion prevailed.

On motion of Senator Rupp, **SCR 8**, as amended by the **SS**, was adopted by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson—32

NAYS—Senators—None

Absent—Senator Lembke—1

Absent with leave—Senator Wright-Jones—1

Vacancies—None

SENATE BILLS FOR PERFECTION

Senator Schaefer moved that **SB 213**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 213**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 213

An Act to repeal sections 475.060 and 475.061, RSMo, and to enact in lieu thereof twenty-six new sections relating to guardianship.

Was taken up.

Senator Schaefer moved that **SCS** for **SB 213** be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS** for **SB 213** was declared perfected and ordered printed.

Senator Schaefer moved that **SB 323**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 323**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 323

An Act to amend chapter 29, RSMo, by adding thereto one new section relating to a one-time audit and analysis of fiscal practices and cost savings in state agencies, with an emergency clause.

Was taken up.

Senator Schaefer moved that **SCS** for **SB 323** be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS** for **SB 323** was declared perfected and ordered printed.

Senator Lembke moved that **SB 36** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Lembke, **SB 36** was declared perfected and ordered printed.

Senator Stouffer moved that **SB 254**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 254**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 254

An Act to repeal sections 302.309 and 577.023, RSMo, and to enact in lieu thereof two new sections relating to intoxicated-related traffic offenses, with existing penalty provisions.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 254** be adopted.

Senator Stouffer offered **SS** for **SCS** for **SB 254**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 254

An Act to repeal sections 302.309, 302.530, 558.021, 577.017, and 577.023, RSMo, and to enact in lieu thereof five new sections relating to intoxicated-related traffic offenses, with existing penalty provisions.

Senator Stouffer moved that **SS** for **SCS** for **SB 254** be adopted.

Senator Stouffer offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 254, Pages 12-13, Section 577.017, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 254, Pages 8-10, Section 302.530, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Stouffer moved that **SS** for **SCS** for **SB 254**, as amended, be adopted, which motion prevailed.

On motion of Senator Stouffer, **SS** for **SCS** for **SB 254**, as amended, was declared perfected and ordered printed.

Senator Brown moved that **SB 241** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Brown, **SB 241** was declared perfected and ordered printed.

Senator Munzlinger moved that **SB 278** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

At the request of Senator Munzlinger, **SB 278** was placed on the Informal Calendar.

Senator Pearce moved that **SB 291**, **SB 184** and **SB 294**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 291, 184** and **294**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 291, 184 and 294

An Act to repeal sections 160.400, 160.405, 160.410, 160.415, 160.420, and 160.539, RSMo, and to enact in lieu thereof six new sections relating to charter schools.

Was taken up.

Senator Pearce moved that **SCS** for **SBs 291, 184** and **294** be adopted.

Senator Kehoe assumed the Chair.

Senator Stouffer assumed the Chair.

At the request of Senator Pearce, **SB 291**, **SB 184** and **SB 294**, with **SCS** (pending), were placed on the Informal Calendar.

Senator Schaaf moved that **SB 122**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Schaaf, **SS** for **SCS** for **SB 122** was withdrawn.

SCS for **SB 122** was again taken up.

Senator Schaaf moved that **SCS** for **SB 122** be adopted, which motion prevailed.

On motion of Senator Schaaf, **SCS** for **SB 122** was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 366**; **SB 204**; and **SCS** for **SB 100**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 30**.

HOUSE CONCURRENT RESOLUTION NO. 30

WHEREAS, the federal Patient Protection and Affordable Care Act (PPACA), also known as ObamaCare, has been ruled unconstitutional in its entirety by the Florida Federal District Court, and the individual mandate contained in the PPACA requiring the purchase of insurance

was ruled unconstitutional by Judge Henry Hudson in Federal District Court in Virginia; and

WHEREAS, the President of the United States, while addressing the issue of an individual mandate to purchase health insurance as a United States Senator in 2008, stated that “If a mandate was the solution, we can try that to solve homelessness by mandating everybody to buy a house.”; and

WHEREAS, in the August 2010 primary election, the citizens of Missouri have expressed their clear opposition to the individual mandate by passing Missouri Health Care Freedom, Proposition C by a 71% margin; and

WHEREAS, each house of the Missouri General Assembly has requested that the Governor and the Attorney General of the State of Missouri join in the legal challenge to the PPACA, so far to no avail; and

WHEREAS, considerable time, effort, and money has been, are being, and will continue to be expended attempting to comply with the mandates of the PPACA, which may ultimately be wasted time, energy, and money if the PPACA is subsequently found by the United States Supreme Court to be unconstitutional; and

WHEREAS, the federal Court of Appeals process can be protracted and may well take up to two years for this issue to work its way through the appellate process and then ultimately to the United States Supreme Court; and

WHEREAS, such a lengthy delay of a final determination by the United States Supreme Court regarding the constitutionality of the PPACA would be extremely harmful to the State of Missouri and will cause substantial waste of state resources at a time when such resources are scarce; and

WHEREAS, allowing the waste of substantial amounts of state resources and uncertainty to continue when clarity could be provided is not good stewardship on the part of any elected state official:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, First Regular Session, the Senate concurring therein, hereby urge the Governor and Attorney General of the State of Missouri to send a letter to the President of the United States informing him of the urgency with which they view the need for a prompt resolution to the constitutional questions that have arisen regarding the federal Patient Protection and Affordable Care Act and further urge the President to take all actions within his powers to facilitate a hearing of this constitutional question by the United States Supreme Court at the earliest possible time; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for Governor Jay Nixon, Attorney General Chris Koster, and President Barack Obama.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 31**.

HOUSE CONCURRENT RESOLUTION NO. 31

WHEREAS, the Land and Water Conservation Fund (LWCF) was established by the United States Congress in 1965 to preserve, develop, and assure accessibility to quality outdoor recreation resources “to strengthen the health and vitality of the citizens of the United States”; and

WHEREAS, the LWCF is principally funded by revenue received from offshore energy extraction and is authorized to receive \$900 million annually through the annual appropriations process; and

WHEREAS, the LWCF funds a federal land acquisition program and provides matching grants to states and localities for capital projects through the State Assistance program; and

WHEREAS, investments from the LWCF State Assistance program support the creation of public parks in rural and urban communities throughout America, protect green space and local water supplies, guarantee outdoor recreation opportunities, spur economic development, create jobs, and significantly aid national efforts to promote health, connect youth to nature and the outdoors, combat childhood obesity, and protect the environment; and

WHEREAS, in the original authorizing legislation, Congress recognized the important role of state and local parks in achieving its intended purpose by requiring the allocation of 60% of LWCF annual funding to the State Assistance program and 40% to the federal program; and

WHEREAS, the language protecting the State Assistance program was removed in the mid 1970s resulting in a disproportional amount

(84%) of LWCF funding going to the federal side of the program over the past 25 years; and

WHEREAS, no language exists to protect the State Assistance funding allocations, and Congress appropriated a total of approximately \$304 million to LWCF in FY 2009 but allocated only \$19 million (6%) to the State Assistance program, and in FY 2010 appropriated a total of approximately \$479 million to LWCF with a mere \$490 million (8%) going to the State Assistance program; and

WHEREAS, Missouri received only \$509,599 in FY 2009 and \$699,429 in FY 2010 based on Missouri's portion (.017%) of the 16% that is currently allocated to the states; and

WHEREAS, the disproportional allocation of LWCF funding between the two programs has severely limited state and local governments in their capacity to develop parks and open spaces and protect green space and local water supplies in light of rapidly increasing populations; and

WHEREAS, LWCF provides one-time funding for state and local capital projects and state and local governments equally match the federal dollars, then assume all costs of management and maintenance; and

WHEREAS, LWCF State Assistance program has invested more than \$84,125,968 in Missouri since 1965 and has funded 1,275 projects; and

WHEREAS, requiring 40% of LWCF funds to be annually allocated to the State Assistance program would not increase the national debt, but would ensure a more balanced allocation of resources between federal land acquisition and state and local community conservation efforts, as intended by the authorizing legislation. This would provide \$6 million for Missouri's 2012 LWCF budget:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, First Regular Session, the Senate concurring therein, hereby call on the United States Congress to implement legislation specifying an annual allocation of at least 40% of Land and Water Conservation Fund (LWCF) moneys to the State Assistance program; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for President Barack Obama, the Majority and Minority Leaders of the United States Senate and House of Representatives, and each member of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCS** for **HCR 39**.

HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE CONCURRENT RESOLUTION NO. 39

WHEREAS, Grant's Farm is an extraordinary treasure for the entire state and is one of the premiere attractions for visitors coming to St. Louis from across the country and the world; and

WHEREAS, Grant's Farm takes its name from our 18th President of the United States, Ulysses S. Grant. In the 1850s, Grant founded and owned the 281 acres comprising Grant's Farm; and

WHEREAS, Grant's Farm averages over 550,000 visitors per year over the last six years and is a vital economic engine in St. Louis County; and

WHEREAS, Grant's Farm, operated by Anheuser-Busch, Inc., has been a St. Louis tradition for more than five decades, employing more than 200 people and has welcomed more than 24 million visitors during its history; and

WHEREAS, Grant's Farm is home to more than 900 animals representing more than 100 different species, including a zoo with more than 400 animals; and

WHEREAS, in the U.S. Family Guide Zagat Survey of more than 11,000 avid travelers, Grant's Farm ranked overall as the 7th best family attraction nationwide; and

WHEREAS, some of Grant's Farm's attractions include:

(1) Deer Park, home to a variety of exotic animal species from six of the seven continents of the world and a variety of fish in the several beautiful lakes throughout Deer Park;

(2) Tier Garten, which provides visitors with an up close look at an amazing variety of animals and which includes an amphitheater

featuring educational and entertaining animal shows;

(3) Grant's Cabin, built on 80 acres received by Ulysses S. Grant and his new bride in 1848 as a wedding gift. In 1855, Grant did much of the log sawing and construction himself, completed the four-room, two-story cabin in just three days with the help of friends;

(4) The Bauernhof, the first building constructed on the Busch family estate which today is the home of the Busch family's world-renowned carriage collection and stables. Bauernhof is German for "farmstead";

(5) The Clydesdale Stables, home to one of the world's largest herd of Clydesdale horses with approximately 25 Clydesdale mares, geldings, stallions and foals. Only the finest Clydesdales from this stable become part of the Budweiser teams; and

WHEREAS, more than twenty local organizations and political subdivisions in the St. Louis County region have passed resolutions in support of incorporating Grant's Farm as a unit of the National Park Service; and

WHEREAS, to preserve this extraordinary treasure, Grant's Farm should be added as a unit of the National Park Service by joining with the Ulysses S. Grant National Historic Site:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, First Regular Session, the Senate concurring therein, hereby strongly support the incorporation of, and urge the United States Department of the Interior to incorporate, Grant's Farm as a unit of the National Park Service by joining with the Ulysses S. Grant National Historic Site; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Secretary of the Interior, Ken Salazar, and each member of the Missouri Congressional Delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 354**, entitled:

An Act to repeal section 643.315, RSMo, and to enact in lieu thereof one new section relating to exempting qualified plug-in electric drive vehicles from the motor vehicle emissions inspection program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 484**, entitled:

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to the Missouri state transit assistance program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 108**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 19**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 193**, entitled:

An Act to repeal sections 128.345 and 128.346, RSMo, and to enact in lieu thereof ten new sections relating to the composition of congressional districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REFERRALS

President Pro Tem Mayer referred **SCS** for **SBs 26** and **106**; **SB 204**; and **SCS** for **SB 100** to the Committee on Ways and Means and Fiscal Oversight.

RESOLUTIONS

Senator Keaveny offered Senate Resolution No. 707, regarding the Turkish American Society of Missouri, which was adopted.

Senator Lager offered Senate Resolution No. 708, regarding Karson Hill, which was adopted.

Senator Lager offered Senate Resolution No. 709, regarding Elizabeth Schieber, which was adopted.

Senator Lager offered Senate Resolution No. 710, regarding the One Hundredth Birthday of Marjorie Hackett Ware, Maryville, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 711, regarding The Empowerment Network, Incorporated, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Goodman introduced to the Senate, Billy Rader, Steven Mills and Tegan Rader, Branson; and Tegan was made an honorary page.

Senator Dempsey introduced to the Senate, representatives of Boys and Girls Clubs from around the state.

Senator Cunningham introduced to the Senate, the Physician of the Day, Dr. Ed Cabbabe, M.D., St. Louis.

Senator Dixon introduced to the Senate, President Jacob Swett and students representing the Missouri State University Student Government Association.

Senator Munzlinger introduced to the Senate, Bruce Lane, Kirksville; and representatives of Lincoln University Participant Training Program for USDA/FAS Cochran Fellowship Program, Armenia.

Senator Pearce introduced to the Senate, Chief Larry Jennings, Johnson County Fire Department, Warrensburg; and Russ Mason, Central County Fire and Rescue, St. Peters.

Senator Schaefer introduced to the Senate, students from Christian Fellowship School, Columbia.

Senator Engler introduced to the Senate, Sarah and Haley Jolly, JoAnn Ringo, Debbie and Josh Belfield and Roxanne Rook, representatives of Washington County G.O.P. Club.

On behalf of Senator Schaefer, the President introduced to the Senate, student education majors from the University of Missouri.

Senator Cunningham introduced to the Senate, Bill and Pat Swiderski, St. Louis.

Senator Munzlinger introduced to the Senate, Coach Brennan Scanlon and members of the Mexico High School boys' basketball team.

Senator Parson introduced to the Senate, Liz Blackburn and twenty-eight students from Northwest High School, Hughesville.

Senator Green introduced to the Senate, Ed Dafflito, chaperones and twenty-three fourth through eighth grade students from Christ, Light of the Nations Catholic School, St. Louis; and Stacie Davis, Michael Brooks and Grant Fisher were made honorary pages.

Senator McKenna introduced to the Senate, President Dr. Ray Cummisky, Jefferson College, Hillsboro.

On behalf of Senator Pearce, the President introduced to the Senate, Liam Buell, Youth of the Year, Boys and Girls Club of West Central Missouri, Leeton Unit.

Senator Ridgeway introduced to the Senate, Sister Sharon and fifteen eighth grade students from St. Andrew the Apostle Catholic School, Gladstone.

On behalf of Senator Pearce, the President introduced to the Senate, Nicole Valenzuela, Kimberly O'Brien and Gerald Torres, Whiteman Air Force Base High School.

On behalf of Senator Pearce, the President introduced to the Senate, Phil Yancey, Misty Hanson and Robert Klutts, Kansas City.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-EIGHTH DAY—THURSDAY, APRIL 7, 2011

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 434-Nolte
HCS for HB 475
HB 423-Burlison, et al
HCS for HB 38
HB 68-Scharnhorst

HB 98-Ruzicka
HB 118-Peters-Baker
HB 183-Silvey
HCS for HBs 187 & 54
HB 263-Weter

HCS for HB 287	HB 448-Lair
HB 340-Klippenstein, et al	HB 499-Wells, et al
HCS for HB 344	HCS for HB 506
HB 462-Pollock	HB 513-Newman, et al
HB 503-Dugger, et al	HB 525-Molendorp
HCS for HB 578	HCS for HB 545
HB 550-Day	HCS for HB 548
HCS for HB 32	HCS for HB 556
HCS for HB 70	HCS for HB 557
HB 79-Nolte, et al	HB 560-Grisamore
HB 88-Gatschenberger	HB 561-Grisamore
HB 101-Loehner	HCS for HB 604
HB 141-Black, et al	HCS for HB 630
HCS for HB 143	HCS for HB 631
HB 182-Walton Gray, et al	HB 648-Montecillo
HCS for HB 197	HB 667-Carter, et al
HB 199-Kelley (126), et al	HB 673-Largent
HCS for HB 220	HB 675-Largent and Hoskins
HB 256-Cox, et al	HB 678-Schatz and Pollock
HCS for HB 259	HB 738-Nasheed, et al
HB 260-Cox, et al	HB 746-Brown (85), et al
HB 264-Nolte and Weter	HB 749-Lasater, et al
HCS for HB 265	HB 795-Kelley (126), et al
HB 270-Burlison and Swinger	HB 798-Brown (85)
HB 272-Kirkton, et al	HB 812-Brattin, et al
HB 307-Gatschenberger, et al	HB 813-Dugger
HB 327-Wallingford, et al	HCS for HB 825
HCS for HB 369	HCS for HB 354
HB 388-Burlison	HB 484-Faith
HB 402-Diehl and Korman	HCS for HB 193
HCS for HB 412	

THIRD READING OF SENATE BILLS

- | | |
|--|---------------------------|
| 1. SCS for SB 11-McKenna
(In Fiscal Oversight) | 5. SB 147-Schaefer |
| 2. SS for SCS for SB 65-Mayer
(In Fiscal Oversight) | 6. SS for SB 118-Stouffer |
| 3. SCS for SB 177-Brown | 7. SB 116-Justus |
| 4. SB 165-Goodman | 8. SCS for SB 81-Pearce |
| | 9. SCS for SB 60-Keaveny |
| | 10. SB 59-Keaveny |

- | | |
|---|--|
| 11. SCS for SB 54-Cunningham
(In Fiscal Oversight) | 21. SCS for SBs 26 & 106-Wasson
(In Fiscal Oversight) |
| 12. SCS for SB 29-Brown | 22. SCS for SB 117-Engler |
| 13. SJR 10-Lembke and Green
(In Fiscal Oversight) | 23. SS for SB 202-Crowell
(In Fiscal Oversight) |
| 14. SS for SB 9-Rupp | 24. SB 237-Schaefer |
| 15. SCS for SB 368-Stouffer | 25. SCS for SBs 394 & 331-Goodman |
| 16. SCS for SB 356-Munzlinger | 26. SCS for SB 366-Goodman |
| 17. SS for SB 231-Lager | 27. SB 204-Dempsey, et al
(In Fiscal Oversight) |
| 18. SS for SCS for SB 351-Lamping | 28. SCS for SB 100-Stouffer
(In Fiscal Oversight) |
| 19. SB 90-Dempsey (In Fiscal Oversight) | |
| 20. SS for SCS for SB 70-Schaefer | |

SENATE BILLS FOR PERFECTION

- | | |
|------------------------------|-----------------------|
| SBs 88 & 82-Schaaf, with SCS | SB 264-Rupp, with SCS |
| SB 299-Munzlinger, with SCS | |

HOUSE BILLS ON THIRD READING

- | | |
|------------------------------------|-------------------------|
| HCS for HB 14, with SCS (Schaefer) | HB 15-Silvey (Schaefer) |
|------------------------------------|-------------------------|

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

- SCS for SB 18-Schmitt

SENATE BILLS FOR PERFECTION

- | | |
|--|---|
| SBs 1 & 206-Ridgeway, with SCS & SA 1
(pending) | SB 28-Brown |
| SBs 7, 5, 74 & 169-Goodman, with SCS | SB 37-Lembke, with SCS |
| SB 10-Rupp | SB 72-Kraus, with SS (pending) |
| SB 23-Keaveny, with SCS & SS for SCS
(pending) | SB 120-Stouffer |
| SB 25-Schaaf, with SCS & SS for SCS
(pending) | SB 130-Rupp, with SCS & SS for SCS (pending) |
| | SB 175-Munzlinger, et al, with SA 1 (pending) |
| | SB 176-Munzlinger, et al |
| | SBs 189, 217, 246, 252 & 79-Schmitt, with SCS |

SB 200-Crowell	SB 280-Purgason, et al, with SCS & SS for SCS
SB 203-Schmitt, et al, with SS (pending)	(pending)
SB 208-Lager	SBs 291, 184 & 294-Pearce, with SCS (pending)
SB 209-Lager	SB 322-Schaefer
SB 228-Pearce	SBs 369 & 370-Cunningham, with SCS
SB 242-Cunningham, with SCS & SS for SCS	SB 390-Schmitt, et al
(pending)	SB 420-Mayer, with SCS
SB 247-Pearce, with SS (pending)	SJR 11-Munzlinger, with SCS
SB 278-Munzlinger, et al	SJR 15-Nieves, et al

HOUSE BILLS ON THIRD READING

HCS for HB 163, with SCS, SS for SCS & SA 1
(pending) (Pearce)

RESOLUTIONS

Reported from Committee

SR 179-Purgason

To be Referred

HCR 30-Frederick, et al
HCR 31-Cookson, et al

HCS for HCR 39

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Journal of the Senate

FIRST REGULAR SESSION

FORTY-EIGHTH DAY—THURSDAY, APRIL 7, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“You will keep him in perfect peace whose mind is stayed on you.” (Isaiah 26:3)

Gracious Lord, we place ourselves confidently in You, our God, and as we end this week we commit ourselves in You so our actions carry Your intent through us and help those who need what we are called to do here. And as we travel home to our loved ones free us to walk at their side as You walk at ours. And may Your Holy Spirit guide us safely through this day and all our tomorrows. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Dempsey announced that photographers from Missouri News Horizon and KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Nieves offered Senate Resolution No. 712, regarding Michael Kristich Proemsey, which was adopted.

Senator Kehoe offered the following resolution:

SENATE RESOLUTION NO. 713

Whereas, the General Assembly deems it worthy to support and encourage any of those programs which exist to provide Missouri's senior citizens with an opportunity to utilize their experience and knowledge in a positive and meaningful way; and

Whereas, the General Assembly also deems it worthy to support those programs which are designed to provide participants with opportunities to develop better citizenship and leadership qualities; and

Whereas, the Silver Haired Legislature is a program which helps to ensure that senior citizens have a voice in state government while giving its participants a unique insight into the legislative process; and

Whereas, the General Assembly has a long tradition of granting the use of its Chambers to such programs:

Now, Therefore, Be It Resolved that the Missouri Senate hereby grant the participants of the Silver Haired Legislature permission to use the Senate Chamber for the purpose of their regular session from 8:00 a.m. to 4:30 p.m. on Tuesday, September 20 and 8:00 am - 12:00 pm on Wednesday, September 21, 2011.

Senator Kehoe requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 713** up for adoption, which request was granted.

On motion of Senator Kehoe, **SR 713** was adopted.

Senator Mayer offered Senate Resolution No. 714, regarding Captain Mike Elliott, Poplar Bluff, which was adopted.

Senator Crowell offered Senate Resolution No. 715, regarding Elizabeth S. Crites, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 36**; **SCS** for **SB 213**; **SB 241**; **SS** for **SCS** for **SB 254**; **SB 268**; and **SCS** for **SB 323**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Purgason, Chairman of the Committee on Ways and Means and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Ways and Means and Fiscal Oversight, to which were referred **SCS** for **SB 54**; **SS** for **SB 202**; **SB 90**; and **SS** for **SCS** for **SB 65**, begs leave to report that it has considered the same and recommends that the bills do pass.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SB 65**, introduced by Senator Mayer, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 65

An Act to repeal sections 188.015, 188.029, and 188.030, RSMo, and to enact in lieu thereof two new

sections relating to abortion, with penalty provisions.

Was taken up.

On motion of Senator Mayer, **SS** for **SCS** for **SB 65** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Crowell	Cunningham	Dempsey	Dixon	Engler	Goodman
Kehoe	Kraus	Lager	Lamping	Lembke	Mayer	McKenna	Munzlinger
Nieves	Parson	Pearce	Purgason	Richard	Ridgeway	Rupp	Schaaf
Schmitt	Stouffer	Wasson—27					

NAYS—Senators

Chappelle-Nadal	Curls	Justus	Keaveny	Wright-Jones—5
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Absent—Senators

Green	Schaefer—2
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SCS for **SB 177**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 177

An Act to repeal sections 630.053, 630.095, and 630.167, RSMo, and to enact in lieu thereof three new sections relating to the department of mental health.

Was taken up by Senator Brown.

On motion of Senator Brown, **SCS** for **SB 177** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Senator Pearce assumed the Chair.

SB 165, introduced by Senator Goodman, entitled:

An Act to repeal section 477.650, RSMo, and to enact in lieu thereof one new section relating to the basic civil legal services fund.

Was taken up.

On motion of Senator Goodman, **SB 165** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SB 147, introduced by Senator Schaefer, entitled:

An Act to repeal section 160.522, RSMo, and to enact in lieu thereof one new section relating to the school accountability report card.

Was taken up.

On motion of Senator Schaefer, **SB 147** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SS for **SB 118**, introduced by Senator Stouffer, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 118

An Act to repeal section 198.074, RSMo, and to enact in lieu thereof one new section relating to sprinkler system requirements in long-term care facilities.

Was taken up.

On motion of Senator Stouffer, **SS** for **SB 118** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Senator Engler assumed the Chair.

SB 116, introduced by Senator Justus, entitled:

An Act to repeal sections 210.844, 454.850, 454.853, 454.855, 454.857, 454.860, 454.862, 454.865, 454.867, 454.869, 454.871, 454.874, 454.877, 454.880, 454.882, 454.885, 454.887, 454.890, 454.892, 454.895, 454.897, 454.900, 454.902, 454.905, 454.907, 454.910, 454.912, 454.915, 454.917, 454.920, 454.922, 454.927, 454.930, 454.932, 454.934, 454.936, 454.938, 454.941, 454.943, 454.946, 454.948, 454.951, 454.953, 454.956, 454.958, 454.961, 454.963, 454.966, 454.968, 454.971, 454.973, 454.976, 454.978, 454.981, 454.983, 454.986, 454.989, 454.991, 454.993, 454.995, and 454.999, RSMo, and to enact in lieu thereof eighty new sections relating to the uniform interstate family support act, with a contingent effective date.

Was taken up.

On motion of Senator Justus, **SB 116** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Justus, title to the bill was agreed to.

Senator Justus moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SCS for SB 81, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 81

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to fine arts education.

Was taken up by Senator Pearce.

On motion of Senator Pearce, **SCS** for **SB 81** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SCS for **SB 60**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 60

An Act to repeal sections 404.710, 456.3-301, 456.8-813, 469.411, 469.437, and 469.459, RSMo, and to enact in lieu thereof six new sections relating to fiduciaries.

Was taken up by Senator Keaveny.

On motion of Senator Keaveny, **SCS** for **SB 60** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Keaveny, title to the bill was agreed to.

Senator Keaveny moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SB 59, introduced by Senator Keaveny, entitled:

An Act to repeal section 456.5-505, RSMo, and to enact in lieu thereof three new sections relating to fiduciaries.

Was taken up.

On motion of Senator Keaveny, **SB 59** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Keaveny, title to the bill was agreed to.

Senator Keaveny moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SCS for **SB 54**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 54

An Act to repeal sections 37.710, 160.261, 168.021, 168.071, 168.133, 210.135, 210.145, 210.152, 210.915, 210.922, and 556.037, RSMo, and to enact in lieu thereof eighteen new sections relating to protecting children from sexual offenders, with penalty provisions.

Was taken up by Senator Cunningham.

On motion of Senator Cunningham, **SCS** for **SB 54** was read the 3rd time and passed by the following

vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SCS for SB 29, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 29

An Act to repeal sections 338.010, 338.140, 338.150, 338.210, 338.220, and 338.240, RSMo, and to enact in lieu thereof six new sections relating to veterinary legend drugs.

Was taken up by Senator Brown.

On motion of Senator Brown, **SCS for SB 29** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson
Wright-Jones—33							

NAYS—Senators—None

Absent—Senator Purgason—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SS for **SB 9**, introduced by Senator Rupp, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 9

An Act to repeal sections 130.047, 407.1095, 407.1098, 407.1101, 407.1104, 407.1107, and 407.1110, RSMo, and to enact in lieu thereof nine new sections relating to telephone calls.

Was taken up.

On motion of Senator Rupp, **SS** for **SB 9** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Purgason—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Stouffer moved that motion lay on the table, which motion prevailed.

SCS for **SB 368**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 368

An Act to repeal sections 60.510, 60.530, 60.540, 60.550, 60.560, 60.580, 60.590, 60.595, 60.600, 60.610, 60.620, 60.653, 60.670, 261.023, and 640.010, RSMo, and to enact in lieu thereof fifteen new sections relating to the state land survey program, with existing penalty provisions.

Was taken up by Senator Stouffer.

On motion of Senator Stouffer, **SCS** for **SB 368** was read the 3rd time and passed by the following

vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SCS for SB 356, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 356

An Act to repeal sections 276.416, 276.421, 276.436, 276.441, 276.446, and 411.280, RSMo, and to enact in lieu thereof four new sections relating to grain sale and storage, with existing penalty provisions.

Was taken up by Senator Munzlinger.

On motion of Senator Munzlinger, **SCS for SB 356** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Munzlinger, title to the bill was agreed to.

Senator Munzlinger moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SS for **SB 231**, introduced by Senator Lager, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 231

An Act to amend chapter 85, RSMo, by adding thereto one new section relating to paid members of any fire department or fire district.

Was taken up.

At the request of Senator Lager, **SS** for **SB 231** was placed on the Informal Calendar.

Senator Dempsey announced that photographers from KMIZ-TV were given permission to take pictures in the Senate Chamber today.

Senator Pearce assumed the Chair.

SS for **SCS** for **SB 351**, introduced by Senator Lamping, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 351

An Act to repeal section 453.121, RSMo, and to enact in lieu thereof one new section relating to adoption records.

Was taken up.

On motion of Senator Lamping, **SS** for **SCS** for **SB 351** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Lamping, title to the bill was agreed to.

Senator Lamping moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SB 90, introduced by Senator Dempsey, entitled:

An Act to repeal sections 103.080 and 103.089, RSMo, and to enact in lieu thereof two new sections relating to the state employee health insurance program.

Was taken up.

On motion of Senator Dempsey, **SB 90** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Dempsey, title to the bill was agreed to.

Senator Dempsey moved that the vote by which the bill passed be reconsidered.

Senator Mayer moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 70**, introduced by Senator Schaefer, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 70

An Act to repeal sections 402.199, 402.200, 402.205, 402.210, 402.215, 402.217, 402.220, 473.657, and 475.093, RSMo, and to enact in lieu thereof twelve new sections relating to the Missouri family trust.

Was taken up.

On motion of Senator Schaefer, **SS** for **SCS** for **SB 70** was read the 3rd time and passed by the

following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SCS for **SB 117**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 117

An Act to repeal section 144.032, RSMo, and to enact in lieu thereof two new sections relating to the imposition of a hospital district sales tax in lieu of a property tax to fund a hospital district, with an emergency clause.

Was taken up by Senator Engler.

On motion of Senator Engler, **SCS** for **SB 117** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Kraus—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SS for SB 202, introduced by Senator Crowell, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 202

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to labor organizations, with a referendum clause.

Was taken up.

On motion of Senator Crowell, **SS for SB 202** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Crowell	Cunningham	Dempsey	Dixon	Engler	Goodman	Kehoe
Kraus	Lager	Lamping	Lembke	Mayer	Munzlinger	Nieves	Parson
Pearce	Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt

Stouffer Wasson—26

NAYS—Senators

Callahan	Chappelle-Nadal	Curls	Green	Justus	Keaveny	McKenna	Wright-Jones—8
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SB 237, introduced by Senators Schaefer and Justus, entitled:

An Act to repeal section 484.350, RSMo, and to enact in lieu thereof one new section relating to standards for representation of children by guardians ad litem.

Was taken up by Senator Schaefer.

On motion of Senator Schaefer, **SB 237** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Justus	Keaveny	Kehoe	Lager	Lamping	Mayer
McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard	Ridgeway
Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—31	

NAYS—Senator Lembke—1

Absent—Senators

Green Kraus—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SCS for **SBs 394** and **331**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 394 and 331

An Act to repeal sections 566.200, 566.203, 566.206, 566.209, 566.212, 566.213, 566.218, and 566.223, RSMo, and to enact in lieu thereof eight new sections relating to human trafficking, with penalty provisions.

Was taken up by Senator Goodman.

On motion of Senator Goodman, **SCS** for **SBs 394** and **331** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Justus	Keaveny	Kehoe	Lager	Lamping	Lembke
Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Green	Kraus—2
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SCS for SB 366, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 366

An Act to amend chapter 351, RSMo, by adding thereto seventy-seven new sections relating to the Missouri cooperative associations act, with penalty provisions.

Was taken up by Senator Goodman.

On motion of Senator Goodman, **SCS for SB 366** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Senator Ridgeway assumed the Chair.

HOUSE BILLS ON THIRD READING

Senator Pearce moved that **HCS** for **HB 163**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 1 was again taken up.

Senator Stouffer assumed the Chair.

At the request of Senator Lembke, **SA 1** was withdrawn.

Senator Kehoe offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 163, Page 11, Section 288.040, Line 16 of said page, by inserting after all of said line the following:

“288.060. 1. All benefits shall be paid through employment offices in accordance with such regulations as the division may prescribe.

2. Each eligible insured worker who is totally unemployed in any week shall be paid for such week a sum equal to his or her weekly benefit amount.

3. Each eligible insured worker who is partially unemployed in any week shall be paid for such week a partial benefit. Such partial benefit shall be an amount equal to the difference between his or her weekly benefit amount and that part of his or her wages for such week in excess of twenty dollars, and, if such partial benefit amount is not a multiple of one dollar, such amount shall be reduced to the nearest lower full dollar amount. For calendar year 2007 and each year thereafter, such partial benefit shall be an amount equal to the difference between his or her weekly benefit amount and that part of his or her wages for such week in excess of twenty dollars or twenty percent of his or her weekly benefit amount, whichever is greater, and, if such partial benefit amount is not a multiple of one dollar, such amount shall be reduced to the nearest lower full dollar amount. Termination pay, severance pay or pay received by an eligible insured worker who is a member of the organized militia for training or duty authorized by Section 502(a)(1) of Title 32, United States Code, shall not be considered wages for the purpose of this subsection.

4. The division shall compute the wage credits for each individual by crediting him or her with the wages paid to him or her for insured work during each quarter of his or her base period or twenty-six times his or her weekly benefit amount, whichever is the lesser. In addition, if a claimant receives wages in the form of termination pay or severance pay and such payment appears in a base period established by the filing of an initial claim, the claimant may, at his or her option, choose to have such payment included in the calendar quarter in which it was paid or choose to have it prorated equally among the quarters comprising the base period of the claim. The maximum total amount of benefits payable to any insured worker during any benefit year shall not exceed [twenty-six] **twenty** times his or her weekly benefit amount,

or thirty-three and one-third percent of his or her wage credits, whichever is the lesser. For the purpose of this section, wages shall be counted as wage credits for any benefit year, only if such benefit year begins subsequent to the date on which the employing unit by whom such wages were paid has become an employer. The wage credits of an individual earned during the period commencing with the end of a prior base period and ending on the date on which he or she filed an allowed initial claim shall not be available for benefit purposes in a subsequent benefit year unless, in addition thereto, such individual has subsequently earned either wages for insured work in an amount equal to at least five times his or her current weekly benefit amount or wages in an amount equal to at least ten times his or her current weekly benefit amount.

5. In the event that benefits are due a deceased person and no petition has been filed for the probate of the will or for the administration of the estate of such person within thirty days after his or her death, the division may by regulation provide for the payment of such benefits to such person or persons as the division finds entitled thereto and every such payment shall be a valid payment to the same extent as if made to the legal representatives of the deceased.

6. The division is authorized to cancel any benefit warrant remaining outstanding and unpaid one year after the date of its issuance and there shall be no liability for the payment of any such benefit warrant thereafter.

7. The division may establish an electronic funds transfer system to transfer directly to claimants' accounts in financial institutions benefits payable to them pursuant to this chapter. To receive benefits by electronic funds transfer, a claimant shall satisfactorily complete a direct deposit application form authorizing the division to deposit benefit payments into a designated checking or savings account. Any electronic funds transfer system created pursuant to this subsection shall be administered in accordance with regulations prescribed by the division.

8. The division may issue a benefit warrant covering more than one week of benefits.

9. Prior to January 1, 2005, the division shall institute procedures including, but not limited to, name, date of birth, and Social Security verification matches for remote claims filing via the use of telephone or the Internet in accordance with such regulations as the division shall prescribe. At a minimum, the division shall verify the Social Security number and date of birth when an individual claimant initially files for unemployment insurance benefits. If verification information does not match what is on file in division databases to what the individual is stating, the division shall require the claimant to submit a division-approved form requesting an affidavit of eligibility prior to the payment of additional future benefits. The division of employment security shall cross-check unemployment compensation applicants and recipients with Social Security Administration data maintained by the federal government at least weekly. The division of employment security shall cross-check at least monthly unemployment compensation applicants and recipients with department of revenue drivers license databases.”; and

Further amend the title and enacting clause accordingly.

Senator Kehoe moved that the above amendment be adopted, which motion prevailed.

Senator Crowell offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House

Bill No. 163, Page 22, Section 288.398, Line 12, by striking the opening and closing brackets on said line; and further amend line 13 by striking the word “shall”.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Kraus offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 163, Page 12, Section 288.062, Line 26 of said page, by striking the following: “August 28, 2013” and inserting in lieu thereof the following: “**May 1, 2012**”.

Senator Kraus moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Kraus offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 163, Page 12, Section 288.062, Line 26, by striking the following: “**August 28, 2013**” and inserting in lieu thereof, the following: “**August 28, 2012**”.

Senator Kraus moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Crowell, Dempsey, Nieves and Lembke.

SA 5 failed of adoption by the following vote:

YEAS—Senators

Cunningham	Dempsey	Dixon	Kehoe	Kraus	Lembke	Mayer	Nieves
Schaaf	Stouffer—10						

NAYS—Senators

Brown	Callahan	Crowell	Curls	Goodman	Justus	Keaveny	Lamping
McKenna	Munzlinger	Parson	Pearce	Richard	Rupp	Schaefer	Wasson
Wright-Jones—17							

Absent—Senators

Chappelle-Nadal	Engler	Green	Lager	Purgason	Ridgeway	Schmitt—7
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Absent with leave—Senators—None

Vacancies—None

Senator Pearce moved that **SS** for **SCS** for **HCS** for **HB 163**, as amended, be adopted, which motion prevailed.

Senator Pearce moved that **SS** for **SCS** for **HCS** for **HB 163**, as amended, be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Mayer referred **SS** for **SCS** for **HCS** for **HB 163**, as amended, to the Committee on Ways and Means and Fiscal Oversight.

President Pro Tem Mayer assumed the Chair.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Purgason, Chairman of the Committee on Ways and Means and Fiscal Oversight, Senator Dempsey submitted the following report:

Mr. President: Your Committee on Ways and Means and Fiscal Oversight, to which was referred **HCS** for **HB 45**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Engler, Chairman of the Committee on Financial and Governmental Organizations and Elections, Senator Dempsey submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 71**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 325**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Goodman, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 238**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 320**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 387**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 132**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **HCS** for **HB 61**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Lager, Chairman of the Committee on Commerce, Consumer Protection, Energy

and the Environment, Senator Dempsey submitted the following reports:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 48**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 230**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Pearce, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 174**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Schmitt, Chairman of the Committee on Jobs, Economic Development and Local Government, Senator Dempsey submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 358**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 360**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Munzlinger, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HB 209**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 337**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 300**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SB 286** and **SCS** for **SB 122**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Mayer, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Richard Hashagen, as a member of the Missouri Head Injury Advisory Council;

Also,

David Steward, Republican, as a member of the University of Missouri Board of Curators;

Also,

Benjamin Phillips, Democrat, as a member of the St. Louis City Board of Election Commissioners.

Senator Mayer requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Mayer moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 458**, entitled:

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to the Missouri farmland trust.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 641**, entitled:

An Act to repeal sections 195.010, 195.017, 195.022, 195.202, 195.217, and 578.255, RSMo, and to enact in lieu thereof six new sections relating to controlled substances, with an existing penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 192**, entitled:

An Act to repeal sections 253.082, 253.090, 260.262, 260.380, 260.475, 260.965, 414.072, 644.036, and 644.054, RSMo, and to enact in lieu thereof fifteen new sections relating to environmental protection,

with an emergency clause for certain sections.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 470** and **429**, entitled:

An Act to repeal sections 67.641 and 143.183, RSMo, and to enact in lieu thereof two new sections relating to the nonresident entertainers tax.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 336**, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to tax incentives to attract sporting events to Missouri.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 28**, entitled:

An Act to amend chapters 188 and 338, RSMo, by adding thereto two new sections relating to abortifacients, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 546**, entitled:

An Act to repeal sections 215.020, 215.030, and 215.034, RSMo, and to enact in lieu thereof three new sections relating to the housing development commission.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 468**, entitled:

An Act to repeal sections 135.950, 135.953, 135.957, 135.960, 135.963, 135.967, 196.1109, 196.1115, 348.251, 348.253, 348.256, 348.261, 348.262, 348.263, 348.264, 348.271, and 348.300, RSMo, and to enact in lieu thereof twenty-three new sections relating to job development, retention, and training.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 677**, entitled:

An Act to repeal section 167.194, RSMo, and to enact in lieu thereof one new section relating to vision examinations for school children.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 737**, entitled:

An Act to repeal sections 137.010, 137.073, and 137.080, RSMo, section 137.115 as enacted by senate committee substitute for senate bill no. 630, ninety-fifth general assembly, second regular session, and section 137.115 as enacted by senate substitute for senate committee substitute for house committee substitute for house bill no. 2058 merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 711 merged with conference committee substitute for house committee substitute no. 2 for senate substitute for senate committee substitute for senate bill no. 718, ninety-fourth general assembly, second regular session, and to enact in lieu thereof four new sections relating to tangible personal property.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 434—Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 475—Health, Mental Health, Seniors and Families.

HB 423—Health, Mental Health, Seniors and Families.

HCS for HB 38—Jobs, Economic Development and Local Government.

HB 68—Jobs, Economic Development and Local Government.

HB 98—Commerce, Consumer Protection, Energy and the Environment.

HB 118—Judiciary and Civil and Criminal Jurisprudence.

HB 183—Jobs, Economic Development and Local Government.

HCS for HBs 187 and 54—Financial and Governmental Organizations and Elections.

HB 263—Veterans’ Affairs, Emerging Issues, Pensions and Urban Affairs.

HCS for HB 287—Financial and Governmental Organizations and Elections.

HB 340—Jobs, Economic Development and Local Government.

HCS for HB 344—Agriculture, Food Production and Outdoor Resources.

HB 462—Commerce, Consumer Protection, Energy and the Environment.

HB 503—Financial and Governmental Organizations and Elections.

HCS for HB 578—Commerce, Consumer Protection, Energy and the Environment.

HB 550—Financial and Governmental Organizations and Elections.

HCS for HB 32—Health, Mental Health, Seniors and Families.

HCS for HB 70—Transportation.

HB 79—General Laws.

HB 88—Judiciary and Civil and Criminal Jurisprudence.

HB 101—Agriculture, Food Production and Outdoor Resources.

HB 141—Transportation.

HCS for HB 143—Health, Mental Health, Seniors and Families.

HB 182—Progress and Development.

HCS for HB 197—Health, Mental Health, Seniors and Families.

HB 199—Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 220—Financial and Governmental Organizations and Elections.

HB 256—Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 259—Health, Mental Health, Seniors and Families.

HB 260—Judiciary and Civil and Criminal Jurisprudence.

HB 264—Jobs, Economic Development and Local Government.

HCS for HB 265—Financial and Governmental Organizations and Elections.

HB 270—Health, Mental Health, Seniors and Families.

HB 272—Health, Mental Health, Seniors and Families.

HB 307—Transportation.

HB 327—Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 369—Jobs, Economic Development and Local Government.

HB 388—Health, Mental Health, Seniors and Families.

HB 402—General Laws.

HCS for HB 412—Financial and Governmental Organizations and Elections.

HB 448—Veterans’ Affairs, Emerging Issues, Pensions and Urban Affairs.

HB 499—Transportation.

HCS for HB 506—Ways and Means and Fiscal Oversight.

HB 513—Health, Mental Health, Seniors and Families.

HB 525—Small Business, Insurance and Industry.

HCS for HB 545—Jobs, Economic Development and Local Government.

HCS for HB 548—General Laws.

HCS for HB 556—Progress and Development.

HCS for HB 557—Ways and Means and Fiscal Oversight.

HB 560—Health, Mental Health, Seniors and Families.

HB 561—Health, Mental Health, Seniors and Families.

HCS for HB 604—Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 630—Health, Mental Health, Seniors and Families.

HCS for HB 631—Ways and Means and Fiscal Oversight.

HB 648—General Laws.

HB 667—Health, Mental Health, Seniors and Families.

HB 673—General Laws.

HB 675—Jobs, Economic Development and Local Government.

HB 678—General Laws.

HB 738—Education.

HB 746—Ways and Means and Fiscal Oversight.

HB 749—Progress and Development.

HB 795—Progress and Development.

HB 798—Transportation.

HB 812—Transportation.

HB 813—Transportation.

HCS for HB 825—Transportation.

HCS for HB 354—Transportation.

HB 484—Transportation.

HCS for HB 193—Select Committee on Redistricting.

REFERRALS

President Pro Tem Mayer referred **SS** for **SCS** for **SB 254**; **SCS** for **SB 323**; **SCS** for **SB 122**; and **SS** for **SB 286** to the Committee on Ways and Means and Fiscal Oversight.

INTRODUCTIONS OF GUESTS

Senator Mayer introduced to the Senate, former State Representative Phillip Britt, Drug Court Commissioner of the 35th Judicial Circuit and graduates, Josh Palmer, Rosanna Metcalf, Ashley Dodson and Tammy Murphy.

Senator Engler introduced to the Senate, the Physician of the Day, Dr. Terpstra, M.D., Potosi.

Senator Schaefer introduced to the Senate, Libbie Hoskins Adam, parents and ninety students from Fairview Elementary School, Columbia.

Senator Pearce introduced to the Senate, Bob Bennett, Nevada.

Senator Nieves introduced to the Senate, Van Sage, Glendale; and Jeremy Wright, St. Charles.

Senator Schaaf introduced to the Senate, Dr. Susan Vega, St. Joseph.

Senator Munzlinger introduced to the Senate, Courtney Smith and twenty eighth grade students from Holy Rosary Catholic School, Monroe City.

Senator Lembke introduced to the Senate, parents and students from Providence Christian Academy, South St. Louis County.

Senator Green introduced to the Senate, Principal Mrs. Kauffman, teachers, Mrs. Kremer and Mr. Kelly, parents and forty-nine seventh grade students from St. Angela Merici Elementary School, Florissant; and Hannah Mergen, Joseph Neiner and Anthony and Carly Vitale were made honorary pages.

Senator Pearce introduced to the Senate, Brad Seiner, Belton; and Tom Circo, Raymore.

Senator Mayer introduced to the Senate, former State Senator Bill Foster.

Senator Rupp introduced to the Senate, Dana Plato, St. Charles.

Senator Kraus introduced to the Senate, students from Summit Christian Academy, Lee's Summit.

On behalf of Senator Ridgeway, the President introduced to the Senate, Lee Ann Williams, Kearney.

On motion of Senator Dempsey, the Senate adjourned until 4:00 p.m., Monday, April 11, 2011.

SENATE CALENDAR

FORTY-NINTH DAY—MONDAY, APRIL 11, 2011

FORMAL CALENDAR**HOUSE BILLS ON SECOND READING**

HB 458-Loehner, et al
HCS for HB 641
HCS for HB 192
HCS for HBs 470 & 429
HCS for HB 336

HCS for HB 28
HCS for HB 546
HCS for HB 468
HB 677-Wells, et al
HB 737-Redmon and Shumake

THIRD READING OF SENATE BILLS

- | | |
|---|--|
| 1. SCS for SB 11-McKenna
(In Fiscal Oversight) | 7. SCS for SB 213-Schaefer |
| 2. SJR 10-Lembke and Green
(In Fiscal Oversight) | 8. SB 241-Brown and Wasson |
| 3. SCS for SBs 26 & 106-Wasson
(In Fiscal Oversight) | 9. SS for SCS for SB 254-Stouffer
(In Fiscal Oversight) |
| 4. SB 204-Dempsey, et al
(In Fiscal Oversight) | 10. SB 268-Stouffer |
| 5. SCS for SB 100-Stouffer
(In Fiscal Oversight) | 11. SCS for SB 323-Schaefer
(In Fiscal Oversight) |
| 6. SB 36-Lembke | 12. SS for SB 286-McKenna
(In Fiscal Oversight) |
| | 13. SCS for SB 122-Schaaf
(In Fiscal Oversight) |

SENATE BILLS FOR PERFECTION

- | | |
|------------------------------------|------------------------------------|
| 1. SBs 88 & 82-Schaaf, with SCS | 8. SB 132-Rupp and Kehoe, with SCS |
| 2. SB 299-Munzlinger, with SCS | 9. SB 48-Wright-Jones, with SCS |
| 3. SB 264-Rupp, with SCS | 10. SB 230-Lager, with SCS |
| 4. SB 325-Wasson | 11. SB 360-Lager |
| 5. SB 238-Schmitt, et al | 12. SB 337-Munzlinger, with SCS |
| 6. SB 320-Lamping, et al, with SCS | 13. SB 300-Munzlinger, with SCS |
| 7. SB 387-Wasson, with SCS | |

HOUSE BILLS ON THIRD READING

- | | |
|------------------------------------|--|
| HCS for HB 14, with SCS (Schaefer) | HCS for HB 61 |
| HB 15-Silvey (Schaefer) | HCS for HB 174 |
| HCS for HB 45, with SCS (Pearce) | HB 358-Leara and Colona (Schmitt) |
| HB 71-Nasheed, et al | HB 209-Guernsey, et al, with SCS (Lager) |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

- | | |
|-----------------------|---------------------|
| SCS for SB 18-Schmitt | SS for SB 231-Lager |
|-----------------------|---------------------|

SENATE BILLS FOR PERFECTION

- | | |
|--|--|
| SBs 1 & 206-Ridgeway, with SCS & SA 1
(pending) | SBs 7, 5, 74 & 169-Goodman, with SCS
SB 10-Rupp |
|--|--|

SB 23-Keaveny, with SCS & SS for SCS
 (pending)
 SB 25-Schaaf, with SCS & SS for SCS
 (pending)
 SB 28-Brown
 SB 37-Lembke, with SCS
 SB 72-Kraus, with SS (pending)
 SB 120-Stouffer
 SB 130-Rupp, with SCS & SS for SCS
 (pending)
 SB 175-Munzlinger, et al, with SA 1
 (pending)
 SB 176-Munzlinger, et al
 SBs 189, 217, 246, 252 & 79-Schmitt,
 with SCS
 SB 200-Crowell
 SB 203-Schmitt, et al, with SS (pending)

SB 208-Lager
 SB 209-Lager
 SB 228-Pearce
 SB 242-Cunningham, with SCS & SS for SCS
 (pending)
 SB 247-Pearce, with SS (pending)
 SB 278-Munzlinger, et al
 SB 280-Purgason, et al, with SCS & SS
 for SCS (pending)
 SBs 291, 184 & 294-Pearce, with SCS
 (pending)
 SB 322-Schaefer
 SBs 369 & 370-Cunningham, with SCS
 SB 390-Schmitt, et al
 SB 420-Mayer, with SCS
 SJR 11-Munzlinger, with SCS
 SJR 15-Nieves, et al

HOUSE BILLS ON THIRD READING

SS for SCS for HCS for HB 163 (Pearce)
 (In Fiscal Oversight)

RESOLUTIONS

Reported from Committee

SR 179-Purgason

To be Referred

HCR 30-Frederick, et al
 HCR 31-Cookson, et al

HCS for HCR 39

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Journal of the Senate

FIRST REGULAR SESSION

FORTY-NINTH DAY—MONDAY, APRIL 11, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“God is love. Therefore love. Without distinction, without calculation, without procrastination, love.” (Henry Drummond)

Gracious God, it is a new week which is bringing new and greater pressures on us and will increase stress and demands on us. So let us remember that in all that we do we may love one another “without distinction, without calculation” so we keep doing what must be done in gentle and courteous ways and follow the path of love You are leading us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 7, 2011 was read and approved.

Senator Dempsey announced that photographers from Missouri News Horizon were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Dixon offered Senate Resolution No. 716, regarding Avery Michael Webb, Springfield, which was adopted.

Senator Kehoe offered Senate Resolution No. 717, regarding Rita Ann Holtmeyer, Jefferson City, which was adopted.

Senator Kehoe offered Senate Resolution No. 718, regarding Andrew Ford, which was adopted.

Senator Kehoe offered Senate Resolution No. 719, regarding Caleb Gilmore, Russellville, which was adopted.

Senator Rupp offered Senate Resolution No. 720, regarding John Aleksick, St. Charles, which was adopted.

Senator Crowell offered Senate Resolution No. 721, regarding Scott K. Vangilder, Jackson, which was adopted.

Senator Rupp offered Senate Resolution No. 722, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Donald J. Lucchesi, Springfield, which was adopted.

Senator Curls offered Senate Resolution No. 723, regarding Frank White, Lee's Summit, which was adopted.

Senator Callahan offered Senate Resolution No. 724, regarding the death of Mary Ellen Carnes, Independence, which was adopted.

Senator Kraus offered Senate Resolution No. 725, regarding Richard L. Eubank, Eugene, Oregon, which was adopted.

Senator Crowell offered Senate Resolution No. 726, regarding Catherine Kapfer, which was adopted.

Senator Crowell offered Senate Resolution No. 727, regarding Stephanie Depro, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 728, regarding Rebecca Jane Coleman, which was adopted.

Senator Crowell offered Senate Resolution No. 729, regarding Karlton "Dean" Miller, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 730, regarding Judy Barks-Westrich, which was adopted.

Senator Lamping offered Senate Resolution No. 731, regarding Janet Cole, Brentwood, which was adopted.

Senator Schmitt offered Senate Resolution No. 732, regarding John A. Urkevich, High Ridge, which was adopted.

Senator Richard offered Senate Resolution No. 733, regarding Jim Jackson, which was adopted.

Senator Richard offered Senate Resolution No. 734, regarding Susan Redden, which was adopted.

Senator Richard offered Senate Resolution No. 735, regarding Dowe Quick, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 736, regarding Agnes Wilcox, St. Louis, which was adopted.

Senator Justus offered Senate Resolution No. 737, regarding the Composting and Organics Association of Missouri, which was adopted.

President Pro Tem Mayer assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Purgason, Chairman of the Committee on Ways and Means and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Ways and Means and Fiscal Oversight, to which was referred **SS** for **SCS** for **HCS** for **HB 163**, as amended, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Rupp, Chairman of the Senate Select Committee on Redistricting, submitted the following report:

Mr. President: Your Senate Select Committee on Redistricting, to which was referred **HCS** for **HB 193**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Stouffer assumed the Chair.

HOUSE BILLS ON THIRD READING

Senator Pearce moved that **SS** for **SCS** for **HCS** for **HB 163**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Pearce, **SS** for **SCS** for **HCS** for **HB 163**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Lager	Lamping
Mayer	McKenna	Munzlinger	Parson	Pearce	Richard	Rupp	Schaefer
Schmitt	Stouffer	Wasson	Wright-Jones—28				

NAYS—Senators

Kraus	Lembke	Nieves	Purgason	Schaaf—5
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Absent—Senator Ridgeway—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
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Engler	Goodman	Green	Justus	Keaveny	Kehoe	Lager	Lamping
Mayer	McKenna	Munzlinger	Parson	Pearce	Richard	Rupp	Schaefer
Schmitt	Stouffer	Wasson	Wright-Jones—28				

NAYS—Senators

Kraus	Lembke	Nieves	Purgason	Schaaf—5
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Absent—Senator Ridgeway—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Schaefer moved that **SB 322** be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Schaaf offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Bill No. 322, Page 1, Section 190.839, Line 2, by striking “2016” and inserting in lieu thereof the following: “**2015**”; and

Further amend said bill and page, Section 198.439, line 2, by striking “2016” and inserting in lieu thereof the following: “**2015**”; and

Further amend said bill, page 2, Section 208.437, line 32, by striking “2016” and inserting in lieu thereof the following: “**2015**”; and

Further amend said bill and page, Section 208.480, line 2, by striking “2016” and inserting in lieu thereof the following: “**2013**”; and

Further amend said bill and page, Section 338.550, line 10, by striking “2016” and inserting in lieu thereof the following: “**2015**”; and

Further amend said bill and section, page 3, line 17, by striking “2016” and inserting in lieu thereof the following: “**2015**”; and

Further amend said bill, page 6, Section 633.401, line 114, by striking “2016” and inserting in lieu thereof the following: “**2015**”.

Senator Schaaf moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Schaefer, **SB 322**, as amended, was declared perfected and ordered printed.

Senator Schaaf moved that **SB 88** and **SB 82**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 88** and **82**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 88 and 82

An Act to repeal section 37.005, RSMo, and to enact in lieu thereof one new section relating to the transfer of property by state universities.

Was taken up.

Senator Schaaf moved that **SCS** for **SBs 88** and **82** be adopted.

Senator Lager offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 88 and 82, Page 5, Section 37.005, Line 150, by striking the opening and closing brackets on said line and further amend said line by striking the following: “August 28, 2011” and inserting in lieu thereof the following: “**August 28, 2013**”.

Senator Lager moved that the above amendment be adopted.

At the request of Senator Schaaf, **SB 88** and **SB 82**, with **SCS** and **SA 1** (pending), were placed on the Informal Calendar.

Senator Munzlinger moved that **SB 299**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 299**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 299

An Act to repeal section 252.040, RSMo, and to enact in lieu thereof two new sections relating to restrictions on reintroducing wild elk, with penalty provisions.

Was taken up.

Senator Munzlinger moved that **SCS** for **SB 299** be adopted.

At the request of Senator Munzlinger, **SB 299**, with **SCS** (pending), was placed on the Informal Calendar.

At the request of Senator Rupp, **SB 264**, with **SCS**, was placed on the Informal Calendar.

Senator Wasson moved that **SB 325** be taken up for perfection, which motion prevailed.

On motion of Senator Wasson, **SB 325** was declared perfected and ordered printed.

At the request of Senator Schmitt, **SB 238** was placed on the Informal Calendar.

Senator Lamping moved that **SB 320**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 320**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 320

An Act to repeal sections 43.545, 211.031, 452.375, 455.010, 455.027, 455.035, 455.038, 455.040, 455.050, 455.060, 455.085, 455.200, 455.501, 455.513, 455.516, 455.520, 455.523, 455.538, 455.540, 455.543, 527.290, 565.074, 595.100, and 595.220, RSMo, and to enact in lieu thereof twenty-three new sections relating to domestic violence, with penalty provisions.

Was taken up.

Senator Lamping moved that **SCS** for **SB 320** be adopted.

Senator Lamping offered **SS** for **SCS** for **SB 320**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 320

An Act to repeal sections 43.545, 211.031, 452.375, 455.010, 455.020, 455.027, 455.035, 455.038, 455.040, 455.050, 455.060, 455.085, 455.200, 455.501, 455.505, 455.513, 455.516, 455.520, 455.523, 455.538, 455.540, 455.543, 527.290, 565.074, 589.683, 595.100, and 595.220, RSMo, and to enact in lieu thereof twenty-five new sections relating to domestic violence, with penalty provisions.

Senator Lamping moved that **SS** for **SCS** for **SB 320** be adopted.

At the request of Senator Lamping, **SB 320**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

Senator Wasson moved that **SB 387**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 387**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 387

An Act to repeal sections 544.455, 544.470, and 557.011, RSMo, and to enact in lieu thereof four new sections relating to electronic monitoring of certain offenders.

Was taken up.

Senator Wasson moved that **SCS** for **SB 387** be adopted, which motion prevailed.

On motion of Senator Wasson, **SCS** for **SB 387** was declared perfected and ordered printed.

Senator Rupp moved that **SB 132**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 132**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 132

An Act to repeal sections 385.206, and 385.208, RSMo, and to enact in lieu thereof six new sections relating to motor vehicle extended service contracts, with penalty provisions.

Was taken up.

Senator Rupp moved that **SCS** for **SB 132** be adopted.

Senator Rupp offered **SS** for **SCS** for **SB 132**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 132

An Act to repeal sections 385.200, 385.206, and 385.208, RSMo, and to enact in lieu thereof seven new sections relating to motor vehicle extended service contracts, with penalty provisions.

Senator Rupp moved that **SS** for **SCS** for **SB 132** be adopted, which motion prevailed.

On motion of Senator Rupp, **SS** for **SCS** for **SB 132** was declared perfected and ordered printed.

THIRD READING OF SENATE BILLS

SB 36, introduced by Senator Lembke, entitled:

An Act to repeal section 41.1000, RSMo, and to enact in lieu thereof one new section relating to leave for members of the civil air patrol, with an emergency clause.

Was taken up.

On motion of Senator Lembke, **SB 36** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Justus	Keaveny	Kehoe	Kraus	Lager	Lembke
Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Richard	Rupp
Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—30		

NAYS—Senators—None

Absent—Senators

Green	Lamping	Purgason	Ridgeway—4
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Richard
Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senators

Green	Purgason	Ridgeway—3
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Absent with leave—Senators—None

Vacancies—None

On motion of Senator Lembke, title to the bill was agreed to.

Senator Lembke moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SCS for SB 213, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 213

An Act to repeal sections 475.060 and 475.061, RSMo, and to enact in lieu thereof twenty-six new sections relating to guardianship.

Was taken up by Senator Schaefer.

On motion of Senator Schaefer, **SCS for SB 213** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Richard	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Purgason Ridgeway—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SB 241, introduced by Senators Brown and Wasson, entitled:

An Act to repeal sections 144.010, 144.020, 144.030, and 144.070, RSMo, and to enact in lieu thereof four new sections relating to sales tax exemptions for captive wildlife.

Was taken up by Senator Brown.

Senator Pearce assumed the Chair.

On motion of Senator Brown, **SB 241** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senator Green—1

Absent—Senator Ridgeway—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SB 268, introduced by Senator Stouffer, entitled:

An Act to repeal section 172.803, RSMo, and to enact in lieu thereof one new section relating to funding for research projects by the University of Missouri board of curators.

Was taken up.

On motion of Senator Stouffer, **SB 268** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senator Green—1

Absent—Senator Ridgeway—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HJR 3**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, and adopting one new section relating to the right to raise animals.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 291**, entitled:

An Act to repeal sections 136.055, 301.032, 301.130, 301.140, 301.160, 301.290, 301.300, 301.301, and 301.302, RSMo, and to enact in lieu thereof nine new sections relating to motor vehicle windshield stickers, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 840**, entitled:

An Act to amend chapter 135, RSMo, by adding thereto eleven new sections relating to tax incentives to encourage foreign trade.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

April 11, 2011

To the Senate of the 96th General Assembly for the State of Missouri:

The following addendum should be made to the appointment of Thomas McVeigh for the Missouri Planning Council for Developmental Disabilities submitted to you on April 1, 2011. Line 4 should read:

William Horn, withdrawn

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

April 11, 2011

To the Senate of the 96th General Assembly for the State of Missouri:

The following addendum should be made to the appointment of Cecilia Davis for the Child Abuse and Neglect Review Board submitted to you on April 1, 2011. Line 3 should read:

her successor is duly appointed and qualified; vice, Mary L. Buren, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Mayer referred the above addendums to the Committee on Gubernatorial Appointments.

REFERRALS

President Pro Tem Mayer referred **HCS** for **HB 45** to the Committee on Ways and Means and Fiscal Oversight.

President Pro Tem Mayer referred **HCR 30**; **HCR 31**; and **HCS** for **HCR 39** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

COMMUNICATIONS

President Pro Tem Mayer submitted the following:

April 7, 2011

Ms. Terry Spieler
Secretary of the Senate
State Capitol
Jefferson City, MO 65101

Dear Ms. Spieler:

Please be advised that I am hereby appointing Senator Mike Parson to the Missouri Health Facilities Review Committee.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Schaefer introduced to the Senate, Max and Annarose Overshiner, Lucy Muller, Ella Stroh, Sophia Casto, Xane Keenan, Zach Cuning, Tate Windmoeller, Pete Canfield, Thomas Jurczyk and Shannon Keyes, representatives of PedNet Coalition, Columbia.

Senator Pearce introduced to the Senate, Eastern Commissioner Scott Sader, Western Commissioner Destry Hough and Clerk Diane Thompson, Johnson County.

Senator Goodman introduced to the Senate, Tyler White, Reeds Spring.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTIETH DAY—TUESDAY, APRIL 12, 2011

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 458-Loehner, et al
HCS for HB 641
HCS for HB 192
HCS for HBs 470 & 429
HCS for HB 336
HCS for HB 28
HCS for HB 546

HCS for HB 468
HB 677-Wells, et al
HB 737-Redmon and Shumake
HCS for HJR 3
HB 291-Denison, et al
HCS for HB 840

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna
(In Fiscal Oversight)
SJR 10-Lembke and Green
(In Fiscal Oversight)
SCS for SBs 26 & 106-Wasson
(In Fiscal Oversight)
SB 204-Dempsey, et al
(In Fiscal Oversight)
SCS for SB 100-Stouffer
(In Fiscal Oversight)

SS for SCS for SB 254-Stouffer
(In Fiscal Oversight)
SCS for SB 323-Schaefer
(In Fiscal Oversight)
SS for SB 286-McKenna
(In Fiscal Oversight)
SCS for SB 122-Schaaf
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 48-Wright-Jones, with SCS
SB 230-Lager, with SCS
SB 360-Lager

SB 337-Munzlinger, with SCS
SB 300-Munzlinger, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 14, with SCS (Schaefer)

HB 15-Silvey (Schaefer)

HCS for HB 45, with SCS (Pearce)
(In Fiscal Oversight)
HB 71-Nasheed, et al
HCS for HB 61
HCS for HB 174

HB 358-Leara and Colona (Schmitt)
HB 209-Guernsey, et al, with SCS
(Lager)
HCS for HB 193

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SS for SB 231-Lager

SENATE BILLS FOR PERFECTION

SBs 1 & 206-Ridgeway, with SCS & SA 1
(pending)
SBs 7, 5, 74 & 169-Goodman, with SCS
SB 10-Rupp
SB 23-Keaveny, with SCS & SS for SCS
(pending)
SB 25-Schaaf, with SCS & SS for SCS
(pending)
SB 28-Brown
SB 37-Lembke, with SCS
SB 72-Kraus, with SS (pending)
SBs 88 & 82-Schaaf, with SCS & SA 1
(pending)
SB 120-Stouffer
SB 130-Rupp, with SCS & SS for SCS
(pending)
SB 175-Munzlinger, et al, with SA 1
(pending)
SB 176-Munzlinger, et al
SBs 189, 217, 246, 252 & 79-Schmitt,
with SCS
SB 200-Crowell

SB 203-Schmitt, et al, with SS (pending)
SB 208-Lager
SB 209-Lager
SB 228-Pearce
SB 238-Schmitt, et al
SB 242-Cunningham, with SCS & SS for SCS
(pending)
SB 247-Pearce, with SS (pending)
SB 264-Rupp, with SCS
SB 278-Munzlinger, et al
SB 280-Purgason, et al, with SCS & SS
for SCS (pending)
SBs 291, 184 & 294-Pearce, with SCS
(pending)
SB 299-Munzlinger, with SCS (pending)
SB 320-Lamping, et al, with SCS & SS for
SCS (pending)
SBs 369 & 370-Cunningham, with SCS
SB 390-Schmitt, et al
SB 420-Mayer, with SCS
SJR 11-Munzlinger, with SCS
SJR 15-Nieves, et al

RESOLUTIONS

Reported from Committee

SR 179-Purgason

✓

Journal of the Senate

FIRST REGULAR SESSION

FIFTIETH DAY—TUESDAY, APRIL 12, 2011

The Senate met pursuant to adjournment.

Senator Stouffer in the Chair.

Reverend Carl Gauck offered the following prayer:

“By love God may be gotten and held, but by thought or understanding, never.” (*The Cloud of Unknowing*)

Almighty God, we are often reminded that in our business we pray but don't take time to listen. Help us this day and everyday to seek You and Your love so that we may truly hold You and be fully connected to You and Your teachings. Bless us with Your presence and may we learn of You. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Dempsey announced that photographers from KRCG-TV and Missouri News Horizon were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Lembke offered Senate Resolution No. 738, regarding Angie Spitznagel, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 11**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 322; SB 325; SS for SCS for SB 132; and SCS for SB 387**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

HOUSE BILLS ON THIRD READING

HCS for HB 193, entitled:

An Act to repeal sections 128.345 and 128.346, RSMo, and to enact in lieu thereof ten new sections relating to the composition of congressional districts.

Was taken up by Senator Rupp, pursuant to the provisions of Senate Rule 6.

Senator Pearce assumed the Chair.

President Kinder assumed the Chair.

At the request of Senator Rupp, **HCS for HB 193** was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCS for HCR 23**.

HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE CONCURRENT RESOLUTION NO. 23

WHEREAS, bicycling and walking are essential to millions of Missourians as basic transportation and enjoyed by millions of Missourians as healthful recreation and as part of a healthy lifestyle; and

WHEREAS, encouraging and promoting a complete network of safe bicycle and pedestrian ways and routes is essential for those Missourians who rely on bicycling and walking for transportation, recreation, and health; and

WHEREAS, a safe and complete bicycle and pedestrian system is important for Missouri's economy and economic development; and

WHEREAS, world-class bicycling and walking facilities help promote Missouri as a leading tourist and recreation destination; and

WHEREAS, walking and bicycling improve the public health and reduce treatment costs for conditions associated with reduced physical activity, including obesity, heart disease, lung disease, and diabetes; and

WHEREAS, the United Health Foundation estimates direct medical costs associated with physical inactivity in Missouri at \$1.9 billion in 2008, and projects an annual cost for Missouri of over \$8 billion per year by 2018 if current trends continue; and

WHEREAS, the annual per capita cost of obesity is \$450 per Missourian, among the highest per capita costs of any state in the United

States; and

WHEREAS, promoting walking and bicycling for transportation improves Missouri's environment, reduces congestion, reduces the need for expensive expansion of our road and highway systems, and reduces our dependence on foreign energy supplies; and

WHEREAS, creating healthy, walkable, bicycleable, and livable communities helps keep Missouri competitive in the global competition for high quality businesses and motivated, creative workers who consider transportation and recreation options an essential part of a healthy community; and

WHEREAS, Missourians who reach retirement age choose more often to walk and bicycle for fitness, recreation, enjoyment, and transportation; and

WHEREAS, citizens with disabilities often rely on walking, bicycling, and transit to meet basic transportation needs and to make connections with the transit system, face great obstacles within our current transportation system, and benefit greatly from complete and well designed accommodations for bicycling and walking; and

WHEREAS, all transit users depend on walking and bicycling to complete at least part of each transit trip; and

WHEREAS, the number of Missouri students who walk and bicycle to school has dropped dramatically over the past forty years, with 50% of students walking or bicycling in 1975 but only 15% in 2005. In the same period, the percentage of children clinically defined as overweight has increased from 8% to 25%; and

WHEREAS, the principles of Complete Streets are designed to create a transportation network that meets the needs of all users of the state's transportation system: pedestrians of all ages and abilities, bicyclists, disabled persons, public transportation vehicles and patrons, and those who travel in trucks, buses, and automobiles; and

WHEREAS, the term "Complete Streets" means creating roads, streets, and communities where all road users can feel safe, secure, and welcome on our roads and streets and throughout our communities; and

WHEREAS, the terms "livable streets" and "comprehensive street design" are also used to identify these same concepts; and

WHEREAS, coordination and cooperation among many different agencies and municipalities is required to fully implement Complete Streets and create a complete, connected, and safe transportation network for walking and bicycling; and

WHEREAS, the cities of Elsberry, Pevely, Herculaneum, Crystal City, Festus, De Soto, Ferguson, Columbia, Lee's Summit, Kansas City, and St. Louis City have adopted Complete Streets or Livable Streets policies; and

WHEREAS, metropolitan planning organizations in the St. Joseph area, the Kansas City area, and the St. Louis area have adopted Complete Streets policies as part of the long-range planning process:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, First Regular Session, the Senate concurring therein, hereby declare our support for Complete Streets policies and urge their adoption at the local, metropolitan, regional, state, and national levels; and

BE IT FURTHER RESOLVED that the General Assembly encourages and urges the United States Department of Transportation, the Missouri Department of Transportation, the governing bodies of Metropolitan Planning Organizations, and Regional Planning Commissions, municipalities, and other organizations and agencies that build, control, maintain, or fund roads, highways, and bridges in Missouri to adopt Complete Streets policies and to plan, design, build, and maintain their road and street system to provide complete, safe access to all road users; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for Ray LaHood, Secretary of the United States Department of Transportation; members of the Missouri Highway and Transportation Commission; the director of each Metropolitan Planning Agency and Regional Planning Commission in the State of Missouri; and the Missouri Municipal League.

In which the concurrence of the Senate is respectfully requested.

On motion of Senator Dempsey, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Ridgeway.

RESOLUTIONS

Senator Cunningham offered Senate Resolution No. 739, regarding Joan Schmelig, which was adopted.

Senator Cunningham offered Senate Resolution No. 740, regarding the death of Allen Pummill Klippel, MD, Ballwin, which was adopted.

Senator Schaaf offered Senate Resolution No. 741, regarding Bob Pierce, which was adopted.

Senator Kehoe offered Senate Resolution No. 742, regarding Roger Schwartze, Jefferson City, which was adopted.

Senator Goodman offered Senate Resolution No. 743, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. John L. Berning, Exeter, which was adopted.

Senator Goodman offered Senate Resolution No. 744, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Milton Earl Wolf, Jr., which was adopted.

Senator Pearce offered Senate Resolution No. 745, regarding the One Hundredth Birthday of Nellie Louise Archer, Raymore, which was adopted.

SENATE BILLS FOR PERFECTION

At the request of Senator Wright-Jones, **SB 48**, with **SCS**, was placed on the Informal Calendar.

SB 230, with **SCS**, was placed on the Informal Calendar.

HOUSE BILLS ON THIRD READING

At the request of Senator Schaefer, **HCS** for **HB 14**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Schaefer, **HB 15** was placed on the Informal Calendar.

HB 71 was placed on the Informal Calendar.

HCS for **HB 61** was placed on the Informal Calendar.

HCS for **HB 174**, entitled:

An Act to repeal sections 172.030, 173.005, and 174.450, RSMo, and to enact in lieu thereof three new sections relating to higher education governing boards, with an existing penalty provision.

Was taken up by Senator Pearce.

At the request of Senator Pearce, **HCS** for **HB 174** was placed on the Informal Calendar.

Senator Dempsey announced that photographers from KOMU-TV and Missouri Digital News were given permission to take pictures in the Senate Chamber today.

HB 358, introduced by Representatives Leara and Colona, entitled:

An Act to repeal sections 86.252, 86.255, 86.256, 86.294, and 86.354, RSMo, and to enact in lieu thereof six new sections relating to police retirement.

Was taken up by Senator Schmitt.

On motion of Senator Schmitt, **HB 358** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown

Callahan

Crowell

Cunningham

Curls

Dempsey

Dixon

Engler

Goodman	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	Lembke
Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard
Ridgeway	Rupp	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senators

Chappelle-Nadal Green Schaaf—3

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schmitt, title to the bill was agreed to.

Senator Schmitt moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

At the request of Senator Lager, **HB 209**, with **SCS**, was placed on the Informal Calendar.

SENATE BILLS FOR PERFECTION

Senator Schmitt moved that **SB 238** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Schmitt offered **SS** for **SB 238**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 238

An Act to repeal sections 87.005 and 87.006, RSMo, and to enact in lieu thereof two new sections relating to diseases presumed incurred in the line of duty by firefighters.

Senator Schmitt moved that **SS** for **SB 238** be adopted, which motion prevailed.

On motion of Senator Schmitt, **SS** for **SB 238** was declared perfected and ordered printed.

Senator Dempsey announced that photographers from ABC 17 were given permission to take pictures in the Senate Chamber today.

HOUSE BILLS ON THIRD READING

Senator Pearce moved that **HCS** for **HB 174** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Crowell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 174, Page 1, Section 172.030, Line 7, by inserting at the end of said line the following: “**Notwithstanding any provision of law to the contrary, nothing in this section relating to a change in the composition and configuration of congressional districts in this state shall prohibit a member who is serving a term on August 28, 2011 from**

completing his or her term.”; and

Further amend said bill, page 2, section 173.005, line 19, by inserting after “expenses.” the following: **“Notwithstanding any provision of law to the contrary, nothing in this section relating to a change in the composition and configuration of congressional districts in this state shall prohibit a member who is serving a term on August 28, 2011 from completing his or her term.”**; and

Further amend said bill, page 7, section 174.450, line 30, by inserting at the end of said line the following: **“Notwithstanding any provision of law to the contrary, nothing in this section relating to a change in the composition and configuration of congressional districts in this state shall prohibit a member who is serving a term on August 28, 2011 from completing his or her term.”**.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Pearce, **HCS** for **HB 174**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Purgason—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Lager moved that **SB 360** be taken up for perfection, which motion prevailed.

Senator Lager offered **SS** for **SB 360**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 360

An Act to amend chapter 67, RSMo, by adding thereto five new sections relating to a county drinking water supply lake authority.

Senator Lager moved that **SS** for **SB 360** be adopted, which motion prevailed.

On motion of Senator Lager, **SS** for **SB 360** was declared perfected and ordered printed.

HOUSE BILLS ON THIRD READING

HB 209, with **SCS**, introduced by Representative Guernsey, et al, entitled:

An Act to repeal section 537.296, RSMo, and to enact in lieu thereof one new section relating to private nuisances.

Was called from the Informal Calendar and taken up by Senator Lager.

SCS for **HB 209**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 209**

An Act to repeal sections 67.402, 226.720, and 537.296, RSMo, and to enact in lieu thereof three new sections relating to nuisance actions, with penalty provisions.

Was taken up.

Senator Lager moved that **SCS** for **HB 209** be adopted.

Senator Lager offered **SS** for **SCS** for **HB 209**, entitled:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 209**

An Act to repeal sections 67.402, 226.720, and 537.296, RSMo, and to enact in lieu thereof three new sections relating to nuisance actions, with penalty provisions.

Senator Lager moved that **SS** for **SCS** for **HB 209** be adopted.

Senator Justus raised the point of order that **SS** for **SCS** for **HB 209** is out of order in that it contains language that goes beyond the scope of the original bill.

The point of order was referred to the President Pro Tem.

At the request of Senator Lager, **SS** for **SCS** for **HB 209** was withdrawn rendering the point of order moot.

At the request of Senator Lager, **HB 209**, with **SCS** (pending), was placed on the Informal Calendar.

SENATE BILLS FOR PERFECTION

Senator Munzlinger moved that **SB 337**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 337**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 337**

An Act to repeal sections 263.190, 263.200, 263.205, 263.220, 263.230, 263.232, 263.240, 263.241, 263.450, and 268.121, RSMo, and to enact in lieu thereof five new sections relating to agriculture, with penalty provisions.

Was taken up.

Senator Munzlinger moved that **SCS** for **SB 337** be adopted, which motion prevailed.

On motion of Senator Munzlinger, **SCS** for **SB 337** was declared perfected and ordered printed.

Senator Munzlinger moved that **SB 300**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 300**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 300

An Act to amend chapter 252, RSMo, by adding thereto one new section relating to deer season.

Was taken up.

Senator Munzlinger moved that **SCS** for **SB 300** be adopted, which motion prevailed.

On motion of Senator Munzlinger, **SCS** for **SB 300** was declared perfected and ordered printed.

Senator Stouffer moved that **SB 120** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Stouffer offered **SS** for **SB 120**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 120

An Act to repeal section 226.540, RSMo, and to enact in lieu thereof two new sections relating to billboards.

Senator Stouffer moved that **SS** for **SB 120** be adopted.

Senator Pearce assumed the Chair.

Senator Schmitt assumed the Chair.

At the request of Senator Stouffer, **SB 120**, with **SS** (pending), was placed on the Informal Calendar.

HOUSE BILLS ON THIRD READING

Senator Lager moved that **HB 209**, with **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HB 209** was again taken up.

Senator Lager offered **SS** for **SCS** for **HB 209**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 209

An Act to repeal sections 67.402, 226.720, and 537.296, RSMo, and to enact in lieu thereof three new sections relating to nuisance actions, with penalty provisions.

Senator Lager moved that **SS** for **SCS** for **HB 209** be adopted.

Senator Schaaf offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 209, Page 2, Section 67.402, Line 12, by inserting after the word “inhabitants” the following:

“(7) Any county of the first classification with more than eighty-two thousand but fewer than eighty-two thousand one hundred inhabitants;

(8) Any county of the first classification with more than one hundred four thousand six hundred but fewer than one hundred four thousand seven hundred inhabitants;

(9) Any county of the third classification with a township form of government and with more than seven thousand nine hundred but fewer than eight thousand inhabitants; and

(10) Any county of the second classification with more than fifty-two thousand six hundred but fewer than fifty-two thousand seven hundred inhabitants”.

Senator Schaaf moved that the above amendment be adopted, which motion prevailed.

Senator Justus offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 209, Page 8, Section 537.296, Line 10, by striking the opening bracket “[” from said line; and further amend line 11 by striking the closing bracket “]” from said line.

Senator Justus moved that the above amendment be adopted, which motion prevailed.

Senator Lager moved that **SS** for **SCS** for **HB 209**, as amended, be adopted, which motion prevailed.

On motion of Senator Lager, **SS** for **SCS** for **HB 209**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Crowell	Cunningham	Dempsey	Dixon	Engler	Goodman	Kehoe
Kraus	Lager	Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves
Parson	Pearce	Richard	Rupp	Schaaf	Schmitt	Stouffer	Wasson—24

NAYS—Senators

Callahan	Chappelle-Nadal	Curls	Green	Justus	Keaveny	Wright-Jones—7
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Absent—Senators

Purgason	Ridgeway	Schaefer—3
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Lager, title to the bill was agreed to.

Senator Lager moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Lager moved that **SB 230**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 230**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 230

An Act to amend chapter 260, RSMo, by adding thereto one new section relating to the disposal of tires.

Was taken up.

Senator Lager moved that **SCS** for **SB 230** be adopted, which motion prevailed.

On motion of Senator Lager, **SCS** for **SB 230** was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 300**; **SCS** for **SB 337**; **SS** for **SB 238**; and **SS** for **SB 360**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS**, as amended, for **SCS** for **HCS** for **HB 163** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 163**, as amended.

Emergency clause adopted.

INTRODUCTIONS OF GUESTS

Senator Pearce introduced to the Senate, David Mudd, Fred Niblock and Bobbie Gums, Harrison Bron, Kenzee Ellison and Tyler Metz, representatives of American Legion State Youth in Government.

On behalf of Senator Parson and himself, Senator Pearce introduced to the Senate, Marie Bowen, Linda Messenger, Hollis Hensley, Larry Spencer and Chris Steward, representatives of Katy Trail Community Health.

Senator Schaefer introduced to the Senate, Kristin A. Sohl, M.D. and representatives of Missouri Chapter of the American Academy of Pediatrics.

On behalf of Senator Pearce, the President introduced to the Senate, Franklin County Presiding Commissioner, former State Senator John Griesheimer.

Senator Kehoe introduced to the Senate, Meredith Ziegler, Jefferson City.

Senator Richard introduced to the Senate, Senator Mark Norris, Majority Leader, Tennessee State Senate and Colleen Cousineau, Executive Director, Southern Legislative Conference, Atlanta.

Senator Lembke introduced to the Senate, Dr. Emily George, M.D., Dr. Sandra McKay, M.D. and Dr. Madalyn Ellis, M.D., St. Louis.

On behalf of Senator Lamping and himself, Senator Schmitt introduced to the Senate, Pam Bogosian, Dori Cannon and Kelli Winkelmann and fifth grade students from Barretts Elementary School, Manchester; and Joey Schuman, Grace Craig, Ben Shin, Natalie Crocker, Mason Epperly and Ashlyn Southard were made honorary pages.

On behalf of Senator Pearce, the President introduced to the Senate, Kaylinn and Kirsten Baker, Belton; and Hilke Famdrely, Hamburg, Germany.

Senator Parson introduced to the Senate, Rita Legan and Aric Gooch, Bolivar; Elizabeth Whaley, Fair Play; Bailey Moore, Halfway; Austin Wood, Humansville; and Lindsey Lower, Morrisville.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-FIRST DAY—WEDNESDAY, APRIL 13, 2011

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 458-Loehner, et al
HCS for HB 641
HCS for HB 192
HCS for HBs 470 & 429
HCS for HB 336
HCS for HB 28
HCS for HB 546

HCS for HB 468
HB 677-Wells, et al
HB 737-Redmon and Shumake
HCS for HJR 3
HB 291-Denison, et al
HCS for HB 840

THIRD READING OF SENATE BILLS

1. SCS for SB 11-McKenna
(In Fiscal Oversight)
2. SJR 10-Lembke and Green
(In Fiscal Oversight)

3. SCS for SBs 26 & 106-Wasson
(In Fiscal Oversight)
4. SB 204-Dempsey, et al
(In Fiscal Oversight)

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| 5. SCS for SB 100-Stouffer
(In Fiscal Oversight) | 10. SB 322-Schaefer |
| 6. SS for SCS for SB 254-Stouffer
(In Fiscal Oversight) | 11. SB 325-Wasson |
| 7. SCS for SB 323-Schaefer
(In Fiscal Oversight) | 12. SS for SCS for SB 132-Rupp |
| 8. SS for SB 286-McKenna
(In Fiscal Oversight) | 13. SCS for SB 387-Wasson |
| 9. SCS for SB 122-Schaaf
(In Fiscal Oversight) | 14. SCS for SB 300-Munzlinger |
| | 15. SCS for SB 337-Munzlinger |
| | 16. SS for SB 238-Schmitt |
| | 17. SS for SB 360-Lager |

HOUSE BILLS ON THIRD READING

HCS for HB 45, with SCS (Pearce)
(In Fiscal Oversight)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SS for SB 231-Lager

SENATE BILLS FOR PERFECTION

- | | |
|--|---|
| SBs 1 & 206-Ridgeway, with SCS & SA 1
(pending) | SB 130-Rupp, with SCS & SS for SCS
(pending) |
| SBs 7, 5, 74 & 169-Goodman, with SCS | SB 175-Munzlinger, et al, with SA 1 (pending) |
| SB 10-Rupp | SB 176-Munzlinger, et al |
| SB 23-Keaveny, with SCS & SS for SCS
(pending) | SBs 189, 217, 246, 252 & 79-Schmitt, with SCS |
| SB 25-Schaaf, with SCS & SS for SCS
(pending) | SB 200-Crowell |
| SB 28-Brown | SB 203-Schmitt, et al, with SS (pending) |
| SB 37-Lembke, with SCS | SB 208-Lager |
| SB 48-Wright-Jones, with SCS | SB 209-Lager |
| SB 72-Kraus, with SS (pending) | SB 228-Pearce |
| SBs 88 & 82-Schaaf, with SCS & SA 1
(pending) | SB 242-Cunningham, with SCS & SS for SCS
(pending) |
| SB 120-Stouffer, with SS (pending) | SB 247-Pearce, with SS (pending) |
| | SB 264-Rupp, with SCS |
| | SB 278-Munzlinger, et al |

SB 280-Purgason, et al, with SCS & SS for SCS
(pending)
SBs 291, 184 & 294-Pearce, with SCS (pending)
SB 299-Munzlinger, with SCS (pending)
SB 320-Lamping, et al, with SCS & SS for SCS
(pending)

SBs 369 & 370-Cunningham, with SCS
SB 390-Schmitt, et al
SB 420-Mayer, with SCS
SJR 11-Munzlinger, with SCS
SJR 15-Nieves, et al

HOUSE BILLS ON THIRD READING

HCS for HB 14, with SCS (Schaefer)
HB 15-Silvey (Schaefer)
HCS for HB 61

HB 71-Nasheed, et al
HCS for HB 193 (Rupp)

RESOLUTIONS

Reported from Committee

SR 179-Purgason

SCR 11-Wright-Jones

To be Referred

HCS for HCR 23

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Journal of the Senate

FIRST REGULAR SESSION

FIFTY-FIRST DAY—WEDNESDAY, APRIL 13, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The Lord is in his holy temple; let all the earth keep silent before him.” (Habakkuk 2:20)

Holy God, we are silent before You as we pray and seek to listen to Your voice and not ours. So speak to us that we might be bold in our living as Your servants here in the Senate as well as at home. In this difficult time, watch over us and lead us back to Your throne to find our peace in You. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Dempsey announced that photographers from Missouri News Horizon were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Engler offered Senate Resolution No. 746, regarding Nickolyn Sue Russell, which was adopted.

Senator Engler offered Senate Resolution No. 747, regarding Sandra S. Sonnenburg, which was adopted.

Senator Engler offered Senate Resolution No. 748, regarding Kathleen McCrady, which was adopted.

Senator Engler offered Senate Resolution No. 749, regarding Beth A. Yancey, which was adopted.

Senator Engler offered Senate Resolution No. 750, regarding Pamela Sumpter, which was adopted.

Senator Engler offered Senate Resolution No. 751, regarding Kristi Wakefield, which was adopted.

Senator Engler offered Senate Resolution No. 752, regarding Kelly Beth Skaggs Gray, which was adopted.

Senator Engler offered Senate Resolution No. 753, regarding Larry Keith Crowfoot Swearingen, which was adopted.

Senator Schaaf offered Senate Resolution No. 754, regarding Lori L. Miller, Kansas City, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 230**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Lamping moved that **SB 320**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Lamping, **SS** for **SCS** for **SB 320** was withdrawn.

Senator Lamping offered **SS No. 2** for **SCS** for **SB 320**, entitled:

SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 320

An Act to repeal sections 43.545, 211.031, 452.375, 455.010, 455.020, 455.027, 455.035, 455.038, 455.040, 455.050, 455.060, 455.085, 455.200, 455.501, 455.505, 455.513, 455.516, 455.520, 455.523, 455.538, 455.540, 455.543, 527.290, 565.074, 589.683, 595.100, and 595.220, RSMo, and to enact in lieu thereof twenty-seven new sections relating to domestic violence, with penalty provisions.

Senator Lamping moved that **SS No. 2** for **SCS** for **SB 320** be adopted, which motion prevailed.

On motion of Senator Lamping, **SS No. 2** for **SCS** for **SB 320** was declared perfected and ordered printed.

President Pro Tem Mayer assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SS** for **SCS** for **HCS** for **HB 163**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

President Kinder assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Pearce moved that **SB 247**, with **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SB 247** was again taken up.

Senator Rupp assumed the Chair.

At the request of Senator Pearce, **SB 247**, with **SS** (pending), was placed on the Informal Calendar.

THIRD READING OF SENATE BILLS

SB 322, introduced by Senator Schaefer, entitled:

An Act to repeal sections 190.839, 198.439, 208.437, 208.480, 338.550, and 633.401, RSMo, and to enact in lieu thereof six new sections relating to certain provider taxes.

Was taken up.

On motion of Senator Schaefer, **SB 322** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Crowell	Cunningham	Curls	Dempsey	Dixon	Goodman
Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	Lembke
Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Ridgeway	Rupp
Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—30		

NAYS—Senator Purgason—1

Absent—Senators

Chappelle-Nadal	Engler	Richard—3
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

REFERRALS

President Pro Tem Mayer referred **HCS** for **HCR 23** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Dempsey, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Pearce.

RESOLUTIONS

Senator Wright-Jones offered Senate Resolution No. 755, regarding Dahlia Ariel Dyson, O'Fallon, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 756, regarding Jamie Dorise Holman, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 757, regarding Amanda Holly Kennedy, Hillsboro, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 758, regarding Andrea Melissa Strebler, Fenton, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 759, regarding Taylor Lauren Wakeland, Fenton, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 760, regarding Rachel Ann Patrick, Arnold, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 761, regarding Jennifer Marie Frasch, O'Fallon, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 762, regarding Andrea Rae Patrick, Arnold, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 763, regarding Elizabeth Anne Modde, Kirkwood, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 764, regarding Emily Rose Meiron, Wildwood, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 765, regarding Nicole Lynn Aronoff, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 766, regarding Amanda Marie Carlson, St. Charles, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 767, regarding Kyara Dia'u Story, Florissant, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 768, regarding Sydney Ann Becker, Ellisville, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 769, regarding Madeline Elizabeth Bowers, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 770, regarding Kimberly Elizabeth Butler, Ellisville, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 771, regarding Molly Elizabeth Flood, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 772, regarding Samantha Leigh Halfmann, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 773, regarding Courtney Marissa Haring, Kirkwood, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 774, regarding Jennifer Lunceford, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 775, regarding Nicolas Schmidt, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 776, regarding Sarah Harrington, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 777, regarding Xavier duMaine, which was adopted.

Senator Goodman offered Senate Resolution No. 778, regarding the 4-H Bit by Bit competitive robotics team, Aurora, which was adopted.

Senator Rupp offered Senate Resolution No. 779, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Dale Manies, St. Charles, which was adopted.

HOUSE BILLS ON THIRD READING

Senator Rupp moved that **HCS** for **HB 193** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Rupp offered **SS** for **HCS** for **HB 193**, entitled:

SENATE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 193

An Act to repeal sections 128.345, 128.346, and 128.348, RSMo, and to enact in lieu thereof eleven new sections relating to the composition of congressional districts.

Senator Rupp moved that **SS** for **HCS** for **HB 193** be adopted, which motion prevailed.

Senator Rupp moved that **SS** for **HCS** for **HB 193** be read the 3rd time and passed.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Schaaf moved that the vote by which **SS** for **HCS** for **HB 193** was adopted be reconsidered, which motion failed by the following vote:

YEAS—Senators

Chappelle-Nadal	Cunningham	Keaveny	McKenna	Munzlinger	Purgason	Schaaf	Schmitt
Stouffer	Wright-Jones—10						

NAYS—Senators

Brown	Callahan	Crowell	Curls	Dempsey	Dixon	Engler	Goodman
Justus	Kehoe	Kraus	Lager	Lembke	Mayer	Nieves	Parson
Pearce	Richard	Ridgeway	Rupp	Schaefer	Wasson—22		

Absent—Senator Lamping—1

Absent with leave—Senator Green—1

Vacancies—None

At the request of Senator Rupp, **SS** for **HCS** for **HB 193** was placed on the Informal Calendar.

SENATE BILLS FOR PERFECTION

Senator Pearce moved that **SB 291**, **SB 184** and **SB 294**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SBs 291**, **184** and **294** was again taken up.

Senator Kraus offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 291, 184 and 294, Page 5, Section 160.400, Line 133, by inserting after all of said line the following:

“17. When a charter school closes, the sponsor shall ensure that any remaining cash assets of the charter school shall be returned to the department of elementary and secondary education for their disposition.”.

Senator Kraus moved that the above amendment be adopted, which motion prevailed.

Senator Lembke offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 291, 184 and 294, Page 21, Section 160.539, Line 28, by inserting after all of said line the following:

“Section 1. 1. Any school district that owns school buildings that have been vacant or unused for classroom instruction for two consecutive school years shall sell such buildings under the provisions of chapter 177 or make them available for use by any charter school free of any rent or lease charge. Any charter school that uses such buildings shall be responsible for paying any maintenance, upkeep, repairs, and any charges associated with the provision of any public utility service to such building.

2. The terms of any sale under this section shall not include a restriction in the deed that would prohibit use of the facilities for educational purposes.”; and

Further amend the title and enacting clause accordingly.

Senator Lembke moved that the above amendment be adopted.

Senator Pearce offered **SA 1** to **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Committee Substitute for Senate Bills Nos. 291, 184 and 294, Page 1, Section 1, Line 5, by striking the word “shall” and inserting in lieu thereof the word “**may**”.

Senator Pearce moved that the above amendment be adopted.

At the request of Senator Pearce, **SA 1** to **SA 2** was withdrawn.

At the request of Senator Lembke, **SA 2** was withdrawn.

Senator Cunningham offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 291, 184 and 294, Page 1, Section A, Line 4, by inserting immediately after said line the following:

“29.205. Notwithstanding any provision of law to the contrary, the state auditor shall have the power to audit any school district **or charter school** within the state in the same manner as the auditor may audit any agency of the state.”; and

Further amend the title and enacting clause accordingly.

Senator Cunningham moved that the above amendment be adopted, which motion prevailed.

Senator Cunningham offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bills Nos. 291, 184 and 294, Pages 1-5, Section 160.400, by striking all of said section and inserting in lieu thereof the following:

“160.400. 1. A charter school is an independent public school.

2. **Except as further provided in subsection 4 of this section**, charter schools may be operated only:

(1) In a metropolitan school district [or];

(2) In an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants [and may be sponsored by any of the following];

(3) **In a school district that has been declared unaccredited;**

(4) **In a provisionally accredited school district under the following conditions:**

(a) **A school district is first eligible for charter schools after three consecutive full school years in provisionally accredited status;**

(b) **The eligibility for charter schools of any school district whose provisional accreditation is based in whole or in part on financial stress as defined in sections 161.520 to 161.529 or on financial hardship as defined by rule of the state board of education shall be decided by a vote of the state**

board of education during the third consecutive school year after the designation of provisional accreditation; and

(c) The sponsor is limited to the local school board or a sponsor who has met standards of accountability and performance in its sponsorship of other charter schools as determined by rule of the state board of education;

(5) In a school district that has been accredited without provisions, sponsored only by the local school board; and

(6) In any school district which for any three years since its previous accreditation classification by the state board of education has obtained a score on its annual performance review consistent with the classification of provisionally accredited or unaccredited.

3. Except as further provided in subsection 4 of this section, the following entities are eligible to sponsor charter schools:

(1) The school board of the district **in any district which is sponsoring a charter school as of August 27, 2011, as permitted under subdivision (1) of subsection 2 of section 160.400;**

(2) A public four-year college or university [with its primary campus in the school district or in a county adjacent to the county in which the district is located,] with an approved teacher education program that meets regional or national standards of accreditation;

(3) A community college [located in], **the service area of which encompasses some portion of the district; [or]**

(4) Any private four-year college or university [located in a city not within a county] with an enrollment of at least one thousand students, **with its primary campus in Missouri**, and with an approved teacher preparation program;

(5) **Any two-year private vocational or technical school designated as a 501(c)(3) nonprofit organization under the Internal Revenue Code of 1986, as amended, which is a member of the North Central Association and accredited by the Higher Learning Commission, with its primary campus in Missouri;**

(6) **The Missouri charter public school commission created in section 160.425; or**

(7) **A nonprofit or charitable organization excluding a nonpublic sectarian or religious institution which is exempt from federal taxation under section 501(c)(3) or 501(c)(6) of the Internal Revenue Code of 1986, as amended, and is in compliance with the annual filing requirements of the secretary of state under section 355.011.**

4. **Changes in a school district's accreditation status that affect charter schools shall be addressed as follows, except for the districts described in subdivisions (1) and (2) of subsection 2 of this section:**

(1) **As a district transitions from unaccredited to provisionally accredited, the district shall continue to fall under the requirements for an unaccredited district until it achieves three consecutive full school years of provisional accreditation;**

(2) **A charter school in a district described in this subsection whose charter provides for the addition of grade levels in subsequent years may continue to add levels until the planned expansion is complete to the extent of grade levels in comparable schools of the district in which the school is**

operated.

[3.] **5.** The mayor of a city not within a county may request a sponsor under subdivision (2), (3), [or] (4), **(5), (6) or (7)** of subsection [2] **3** of this section to consider sponsoring a “workplace charter school”, which is defined for purposes of sections 160.400 to [160.420] **160.425** as a charter school with the ability to target prospective students whose parent or parents are employed in a business district, as defined in the charter, which is located in the city.

[4.] **6.** No sponsor shall receive from an applicant for a charter school any fee of any type for the consideration of a charter, nor may a sponsor condition its consideration of a charter on the promise of future payment of any kind.

[5.] **7.** The charter school shall be **organized as** a Missouri nonprofit corporation incorporated pursuant to chapter 355. The charter provided for herein shall constitute a contract between the sponsor and the charter school.

[6.] **8.** As a nonprofit corporation incorporated pursuant to chapter 355, the charter school shall select the method for election of officers pursuant to section 355.326 based on the class of corporation selected. Meetings of the governing board of the charter school shall be subject to the provisions of sections 610.010 to 610.030[, the open meetings law].

[7.] **9.** A sponsor of a charter school, its agents and employees are not liable for any acts or omissions of a charter school that it sponsors, including acts or omissions relating to the charter submitted by the charter school, the operation of the charter school and the performance of the charter school.

[8.] **10.** A charter school may affiliate with a four-year college or university, including a private college or university, or a community college as otherwise specified in subsection [2] **3** of this section when its charter is granted by a sponsor other than such college, university or community college. Affiliation status recognizes a relationship between the charter school and the college or university for purposes of teacher training and staff development, curriculum and assessment development, use of physical facilities owned by or rented on behalf of the college or university, and other similar purposes. [The primary campus of the college or university must be located within the county in which the school district lies wherein the charter school is located or in a county adjacent to the county in which the district is located.] A university, college or community college may not charge or accept a fee for affiliation status.

[9.] **11.** The expenses associated with sponsorship of charter schools shall be defrayed by the department of elementary and secondary education retaining one and five-tenths percent of the amount of state and local funding allocated to the charter school under section 160.415, not to exceed one hundred twenty-five thousand dollars, adjusted for inflation. [Such amount shall not be withheld when the sponsor is a school district or the state board of education.] The department of elementary and secondary education shall remit the retained funds for each charter school to the school’s sponsor, provided the sponsor remains in good standing by fulfilling its sponsorship obligations under sections 160.400 to [160.420] **160.425** and 167.349 with regard to each charter school it sponsors, including appropriate demonstration of the following:

(1) Expends no less than ninety percent of its charter school sponsorship funds in support of its charter school sponsorship program, or as a direct investment in the sponsored schools;

(2) Maintains a comprehensive application process that follows fair procedures and rigorous criteria and grants charters only to those developers who demonstrate strong capacity for establishing and operating

a quality charter school;

(3) Negotiates contracts with charter schools that clearly articulate the rights and responsibilities of each party regarding school autonomy, expected outcomes, measures for evaluating success or failure, performance consequences, and other material terms;

(4) Conducts contract oversight that evaluates performance, monitors compliance, informs intervention and renewal decisions, and ensures autonomy provided under applicable law; and

(5) Designs and implements a transparent and rigorous process that uses comprehensive data to make merit-based renewal decisions.

12. Sponsors receiving funds under subsection 11 of this section shall be required to submit annual reports to the joint committee on education demonstrating the sponsors are in compliance with subsection 16 of this section.

[10.] **13.** No university, college or community college shall grant a charter to a nonprofit corporation if an employee of the university, college or community college is a member of the corporation's board of directors.

[11.] **14.** No sponsor shall grant a charter under sections 160.400 to [160.420] **160.425** and 167.349 without ensuring that a criminal background check and [child abuse] **family care safety** registry check are conducted for all members of the governing board of the charter schools or the incorporators of the charter school if initial directors are not named in the articles of incorporation, nor shall a sponsor renew a charter without ensuring a criminal background check and [child abuse] **family care safety** registry check are conducted for each member of the governing board of the charter school.

[12.] **15.** No member of the governing board of a charter school shall hold any office or employment from the board or the charter school while serving as a member, nor shall the member have any substantial interest, as defined in section 105.450, in any entity employed by or contracting with the board. No board member shall be an employee of a company that provides substantial services to the charter school. All members of the governing board of the charter school shall be considered decision-making public servants as defined in section 105.450 for the purposes of the financial disclosure requirements contained in sections 105.483, 105.485, 105.487, and 105.489.

[13.] **16.** A sponsor shall provide timely submission to the state board of education of all data necessary to demonstrate that the sponsor is in material compliance with all requirements of sections 160.400 to [160.420] **160.425** and 167.349.

[14.] **17. A sponsor shall develop the policies and procedures for:**

(1) The review of a charter school proposal;

(2) The granting of a charter;

(3) The performance framework that the sponsor will use to evaluate the performance of charter schools;

(4) The sponsor's renewal, revocation, and nonrenewal processes;

(5) Additional criteria that the sponsor will use for ongoing oversight of the charter; and

(6) Procedures to be implemented if a charter school should close, including but not limited to:

(a) A notification plan to inform parents or guardians of students, the local school district, the retirement system in which the charter school's employees participate, and the state board of education upon closure;

(b) The transfer or repository of student records upon closure;

(c) The transfer or repository of personnel records upon closure;

(d) The disposition of the charter school's assets upon closure.

The department shall provide guidance to sponsors in developing such policies and procedures.

18. The state board of education shall ensure each sponsor is in compliance with all requirements under sections 160.400 to [160.420] **160.425** and 167.349 for each charter school sponsored by any sponsor. The state board shall notify each sponsor of the standards for sponsorship of charter schools, delineating both what is mandated by statute and what best practices dictate. The state board, after a public hearing, may require remedial action for a sponsor that it finds has not fulfilled its obligations of sponsorship, such remedial actions including withholding the sponsor's funding and suspending [for a period of up to one year] the sponsor's authority to sponsor a school that it currently sponsors or to sponsor any additional school **until the sponsor is reauthorized by the department of elementary and secondary education under section 160.403**. If the state board removes the authority to sponsor a currently operating charter school **pursuant to any provision of law**, the state board shall become the interim sponsor of the school for a period of up to three years until the school finds a new sponsor or until the charter contract period lapses. **During such time, if the charter school fails to meet academic performance or other goals as prescribed in the school's charter, the state board shall revoke the charter.**

160.403. 1. The department of elementary and secondary education shall establish an annual application and approval process for all entities eligible to sponsor charters as set forth in section 160.400. No later than January 1, 2012, the department shall make available information and guidelines for all eligible sponsors concerning the opportunity to apply for sponsoring authority under this section.

2. The application process for sponsorship shall require each interested eligible sponsor to submit an application by April first that includes the following:

(1) Written notification of intent to serve as a charter sponsor in accordance with section 160.400;

(2) Evidence of the applicant sponsor's budget and personnel capacity;

(3) An outline of the request for proposal that the applicant sponsor would, if approved as a charter sponsor, issue to solicit public charter school applicants consistent with sections 160.400 to 160.425;

(4) The performance framework that the applicant sponsor would, if approved as a charter sponsor, use to guide the establishment of a charter contract and for ongoing oversight and a description of how it would evaluate the charter schools it sponsors; and

(5) The applicant sponsor's renewal, revocation, and nonrenewal processes consistent with section 160.405.

3. By July first of each year, the department shall decide whether to grant or deny a sponsoring authority to a sponsor applicant. This decision shall be made based on the applicant charter's

compliance with sections 160.400 to 160.425 and any properly promulgated rules of the department.

4. Within thirty days of the department's decision, the department shall execute a renewable sponsoring contract with each entity it has approved as a sponsor. The term of each authorizing contract shall be ten years. An eligible sponsor which is not currently sponsoring a charter school upon the effective date of this section shall not commence charter sponsorship without approval from the department and a sponsor contract with the department in effect.

5. All entities sponsoring a charter school upon the effective date of this section shall apply to the department for approval to continue as a sponsor no later than April 1, 2012. By July 1, 2012, the department shall decide whether to grant the sponsor the authority to continue or deny such authority. Charter sponsors that are granted the authority to continue sponsorship by the department shall be granted such authority for a period of ten years. Charter sponsors that are denied the authority to continue as a sponsor shall lose the authority to continue as a sponsor immediately. The charter public school commission shall become the interim sponsor for a period of up to three years until the charter school finds a new sponsor or until the charter contract period lapses.”; and

Further amend said bill, Page 5, Section 160.405, line 21, by striking the following: “An accountability plan” and inserting in lieu thereof the following: “**A performance contract**”; and

Further amend said bill and section, Page 6, Line 41, by inserting immediately after the word “settlements” the following: “**and procedures that ensure admission of students with disabilities in a nondiscriminatory manner**”; and further amend said line by striking the word “and”; and further amend lines 42 to 45, by striking all of said lines and inserting in lieu thereof the following:

(7) **A description of the charter school's grievance procedure for parents or guardians;**

(8) **A description of the agreement between the charter school and the sponsor as to when a charter shall be revoked for failure to comply with subsection 8 of this section and when it will fail to be renewed under subsection 9 of this section;**

(9) **Procedures to be implemented if the charter school should close, as provided in subdivision (4) of subsection 17 of section 160.400; and**

(10) **A description of the special education and related services that will be available to meet the needs of students with disabilities**”; and further amend lines 47 to 49, by striking all of said lines and inserting in lieu thereof the following:

“(1) **A charter shall be submitted to the sponsor, and follow the sponsor's policies and procedures for review and granting of a charter approval, and be approved by the state board by December first of the year prior to the proposed opening date of the charter school;**”; and

Further amend said bill and section, Page 7, Lines 74 to 85 by striking all of said lines and inserting in lieu thereof the following: “reentry of dropouts into the school system. [If a sponsor grants three or more charters, at least one-third of the charters granted by the sponsor shall be to schools that actively recruit dropouts or high-risk students as their student body and address the needs of dropouts or high-risk students through their proposed mission, curriculum, teaching methods, and services.] For purposes of this subsection, a “high-risk” student is one who is at least one year behind in satisfactory completion of course work or obtaining [credits for graduation, pregnant or a parent, homeless or has been homeless sometime within the preceding six months, has limited English proficiency, has been suspended from school three or

more times, is eligible for free or reduced-price school lunch, or has been referred by the school district for enrollment in an alternative program] **high school credits for graduation, has dropped out of school, is at risk of dropping out of school, needs drug and alcohol treatment, has severe behavioral problems, has been suspended from school three or more times, has a history of severe truancy, is a pregnant or parenting teen, has been referred for enrollment by the judicial system, is exiting incarceration, is a refugee, is homeless or has been homeless sometime within the preceding six months, has been referred by an area school district for enrollment in an alternative program, or qualifies as high risk under department of elementary and secondary education guidelines.** “Dropout” shall be defined through the guidelines of the school core”; and

Further amend said bill and section, Page 8, Lines 114 to 130, by striking all of said lines and inserting in lieu thereof the following:

“(4) Be financially accountable, use practices consistent with the Missouri financial accounting manual, provide for an annual audit by a certified public accountant, publish audit reports and annual financial reports [as provided in chapter 165, RSMo, provided that the annual financial report may be published] **on the charter school’s internet website or** on the department of elementary and secondary education’s internet website [in addition to other publishing requirements], and provide liability insurance to indemnify the school, its board, staff and teachers against tort claims. A charter school that receives local educational agency status under subsection [6] **7** of this section shall meet the requirements imposed by the Elementary and Secondary Education Act for audits of such agencies. For purposes of an audit by petition under section 29.230, a charter school shall be treated as a political subdivision on the same terms and conditions as the school district in which it is located. For the purposes of securing such insurance, a charter school shall be eligible for the Missouri public entity risk management fund pursuant to section 537.700. A charter school that incurs debt [must] **shall** include a repayment plan in its financial plan;”; and

Further amend said bill and section, Page 9, Line 170, by striking “charter;” and inserting in lieu thereof the following: **“charter. The performance standards for alternative and special purpose charter schools that target high-risk students as defined in subdivision (5) of subsection 2 of this section shall be based on academic growth measures;”**; and

Further amend said bill and section, Page 10, Line 171, by inserting an opening bracket “[“ immediately before the word “assure”; and further amend line 172, by inserting immediately after the word “compliance” the following: **“] comply”**; and further amend said line by inserting immediately after the word “regulations” the following: **“regarding students with disabilities including sections 162.670 to 162.710, the Individuals with Disabilities Education Act (20 U.S.C. 1400) and Section 504 of the Rehabilitation Act of 1973 (20 U.S.C. 794) or successor legislation”**; and further amend line 183 by inserting immediately after the word “schools” the following: **“including charter schools that offers a boarding program,”**; and

Further amend said bill and section, Page 11, Lines 215 to 220 by striking all of said lines and inserting in lieu thereof the following: **“status for no more than twelve months, provided that no more than one designation of probationary status will be allowed for the duration of the charter contract,** at any time if the charter school commits a serious breach of one or more provisions of its charter or on any of the following grounds: failure to meet [academic performance standards] **the performance contract** as set forth in its charter, failure to meet generally accepted standards of fiscal management, failure to provide information necessary to confirm compliance with all provisions of the charter and sections 160.400 to

[160.420] **160.425** and 167.349 within forty-five days following receipt of written”; and further amend line 241, by inserting after “9.” the following: “**(1)**”; and

Further amend said bill and section, Page 12, Line 244, by striking “160.420” and inserting in lieu thereof the following: “**160.425**”; and further amend line 246, by striking “160.420” and inserting in lieu thereof the following: “**160.425**”; and further amend line 247, by inserting after all of said line the following:

“(2) (a) Beginning August first, during the year in which a charter is considered for renewal, a charter school sponsor shall demonstrate to the state board of education that the charter school is in compliance with federal and state laws on accountability; transparency; maintenance of parent, student, and employee rights; and performance of charter requirements. For all charter schools, the sponsor shall establish that the school is not among the lowest achieving five percent of Title I schools in corrective action or restructuring in any three of the last four years.

(b) Along with data reflecting the academic performance standards indicated in paragraph (a) of this subdivision, the sponsor shall submit a revised charter application to the state board of education for review.

(c) Using the data requested and the revised charter application under paragraphs (a) and (b) of this subdivision, the state board of education shall determine if compliance with all standards enumerated in this subdivision has been achieved. The state board of education at its next regularly scheduled meeting shall vote on the revised charter application.

(d) If compliance with all standards has not been achieved, the charter school and its sponsor may file a statement no later than October thirty-first, stating the reasons why the charter school should not be closed. If no such statement is filed, the charter school shall cease operation at the end of the current academic year. If a statement is timely filed, the department of elementary and secondary education shall hold a public hearing no later than January tenth to determine if the charter should be renewed. The state board of education shall review the findings from the hearing and shall vote no later than February twenty-eighth to continue the operation of the charter school and may impose conditions on its continuing operation as specified in subdivision (1) of subsection 8 of this section, or to close the charter school at the end of the current academic year.

10. A charter school shall close at the end of the academic year if any of the following events take place:

(1) The charter is revoked by the state board of education under subsection 18 of section 160.400;

(2) The charter is revoked by the charter school’s sponsor under subsection 8 of section 160.405;

(3) The charter is not renewed under paragraph (b) of subdivision (2) of subsection 9 of section 160.405; or

(4) The charter is voluntarily relinquished. The decision of the state board of education to revoke a charter under subsection 18 of section 160.400 or not to renew a charter under paragraph (b) of subdivision (2) of subsection 9 of this section shall be final.”; and further amend said section by renumbering the remaining subsections accordingly; and

Further amend said bill, Page 13, Section 160.410, Line 11, by striking the word “and”; and further amend line 18, by inserting after “employers” the following: “; **and**

(5) Nonresident pupils who reside in a district classified as unaccredited by the state board of education and who are eligible to attend a school in a district classified as accredited, without provision, by the state board of education in the same or an adjoining county under section 167.131.”; and further amend lines 31 to 34, by striking said lines and inserting in lieu thereof the following:

“(3) Charter alternative and special purpose schools may also give a preference for admission to high-risk students, as defined in subdivision (5) of subsection 2 of section 160.405, when the school targets these students through its proposed mission, curriculum, teaching methods, and services.”; and further amend line 38 by inserting immediately after the following: “level.” the following: “Students of a charter school that are present for the January membership count as defined in section 163.011 shall be counted in the performance of the charter school on the statewide assessments in that calendar year, unless otherwise exempted as English language learners.”; and

Further amend said bill and section, Page 15, line 81, by striking the word “and”; and further amend lines 83-85, by striking all of said lines and inserting in lieu thereof the following: “members; **and**

(4) If a charter school is operated by a management company, a copy of the written contract between the governing board of the charter school and the educational management organization or the charter management organization for services.

The charter school may charge reasonable fees, not to exceed the rate specified in section 610.026, for furnishing copies of documents under this subsection.

6. When a student attending a charter school who is a resident of the school district in which the charter school is located moves out of the boundaries of such school district, the student may complete the current semester and shall be considered a resident student. The student’s parent or legal guardian shall be responsible for the student’s transportation to and from the charter school.

7. If a change in school district boundary lines occurs under section 162.223, 162.431, 162.441, or 162.451, or by action of the state board of education under section 162.081, including attachment of a school district’s territory to another district or dissolution, such that a student attending a charter school prior to such change no longer resides in a school district in which the charter school is located, then the student may complete the current academic year at the charter school. The student shall be considered a resident student. The student’s parent or legal guardian shall be responsible for the student’s transportation to and from the charter school.

8. The provisions of sections 167.018 and 167.019 concerning foster children’s educational rights are applicable to charter schools.”; and

Further amend said bill, Page 17, Section 160.415, Line 81, by inserting after “school.” the following: **“An educational cooperative of school districts may provide managerial or academic services as a contractor under this subsection.”; and further amend line 82, by inserting after “7.” the following: “In the case of a proposed charter school that intends to contract with an education service provider for substantial educational services, management services, or both types of services, as permitted in subsection 6 of this section, the request for proposals shall additionally require the charter school applicants to:**

(1) Provide evidence of the education service provider’s success in serving student populations similar to the targeted population, including demonstrated academic achievement as well as successful management of nonacademic school functions, if applicable;

(2) Provide a term sheet setting forth the proposed duration of the service contract; roles and responsibilities of the governing board, the school staff, and the service provider; scope of services and resources to be provided by the service provider; performance evaluation measures and time lines; compensation structure, including clear identification of all fees to be paid to the service provider; methods of contract oversight and enforcement; investment disclosure; and conditions for renewal and termination of the contract;

(3) Disclose and explain any known conflicts of interest between the school governing board and proposed service provider or any affiliated business entities;

(4) Disclose and explain any termination or nonrenewal of contracts for equivalent services for any other charter school in the United States within the past five years; and

(5) Ensure that the lead administrator and the legal counsel of the charter school shall be direct employees of the charter school governing board.

8.”; and

Further amend said bill and section, page 18, line 99, by inserting after the word “imposing” the following: **“but a charter school that enrolls pupils who are nonresidents of the school district in which the charter school is located and residents of a district classified as unaccredited by the state board of education under section 167.131 may receive tuition payments from the unaccredited district.”**; and further Line 106, by inserting after “355.” the following: **“The department of elementary and secondary education may withhold funding at a level the department determines to be adequate during a school’s last year of operation until the department determines that school records, liabilities, and reporting requirements, including a full audit, are satisfied.”**; and further amend said section by renumbering the subsections accordingly; and

Further amend said bill and section, Page 18, Line 113, by inserting after all of said line the following:

“160.417. 1. By October 1, 2011, and by each October first thereafter, the department of elementary and secondary education shall review the information submitted on the report required by section 162.821 to identify charter schools experiencing financial stress. The department shall be authorized to obtain such additional information from a charter school as may be necessary to determine the financial condition of the charter school. Annually, a listing of charter schools identified as experiencing financial stress according to the provisions of this section shall be provided to the governor, speaker of the house, and president pro tem of the senate by the department of elementary and secondary education.

2. For the purposes of this section, a charter school shall be identified as experiencing financial stress if it:

(1) At the end of its most recently completed fiscal year:

(a) Has a negative balance in its operating funds; or

(b) Has a combined balance of less than three percent of the amount expended from such funds during the previous fiscal year; or

(2) For the most recently completed fiscal year expenditures, exceeded receipts for any of its

funds because of recurring costs.

3. The department shall notify by November first the charter sponsor and the board of directors of the charter school of any charter school identified as experiencing financial stress. Upon receiving the notification, the charter sponsor shall develop, or cause to have developed, and shall approve a budget and education plan on forms provided by the department. The budget and education plan shall be submitted to the department, signed by the officers of the charter school, within forty-five calendar days of notification that the charter school has been identified as experiencing financial stress. Minimally, the budget and education plan shall:

(1) Give assurances that adequate educational services to students of the charter school shall continue uninterrupted for the remainder of the current school year and that the charter school can provide a minimum school term required by section 163.021;

(2) Outline a procedure to be followed by the charter school to report to charter school patrons about the financial condition of the charter school; and

(3) Detail the expenditure reduction measures, revenue increases, or other actions to be taken by the charter school to address its condition of financial stress.

4. Upon receipt and following review of any budget and education plan, the department may make suggestions to improve the plan. Nothing in the law shall exempt a charter school from submitting a budget and education plan to the department according to the provisions of the section following each such notification that a charter school has been identified as experiencing financial stress, except that the commissioner of elementary and secondary education may permit a charter board to make amendments to or update a budget and education plan previously submitted to the department.

5. The department may withhold any payment of financial aid otherwise due to the charter school until such time as the charter school has fully complied with this section.”; and

Further amend said bill, Page 19, Section 160.420, Line 33, by striking said line and inserting in lieu thereof the following:

“(2) Certification by the National [Standards] Board for Professional Teaching Standards;”; and further amend line 51, by inserting after “4.” the following: **“When a charter school is required by law to provide free tutoring services to students, the charter school shall provide equal access to tutoring services offered by nonpublic education service providers. The charter school may engage in negotiations with any nonpublic education service provider for use of its facilities by the nonpublic education service provider. [;”** and

Further amend said bill and section, Page 20, Line 90, by inserting immediately after “charter.” a closing bracket “]” and the following:

“160.425. 1. The “Missouri Charter Public School Commission” is hereby created with the authority to sponsor high quality charter schools throughout the state of Missouri.

2. The commission shall consist of nine members appointed by the governor, by and with the advice and consent of the senate, after a public committee hearing. No more than five of the members shall be of the same political party. No more than two members shall be from the same congressional

district. The term of office of each member is four years, except that of the members first appointed, three shall be appointed for a term of one year, two for a term of two years, two for a term of three years, and two for a term of four years. At the expiration of the term of each member, the governor, by and with the advice and consent of the senate, shall appoint a successor.

3. The appointees to the commission shall be selected as follows:

(1) One member selected by the governor from a slate of three recommended by the commissioner of education;

(2) One member selected by the governor from a slate of three recommended by the commissioner of higher education;

(3) One member selected by the governor from a slate of three recommended by the president pro tem of the senate;

(4) One member selected by the governor from a slate of three recommended by the speaker of the house of representatives; and

(5) Five additional members appointed by the governor.

4. Members appointed to the commission shall collectively possess strong experience and expertise in public and nonprofit governance, management and finance, public school leadership, assessment, curriculum and instruction, and public education law. All members of the commission shall have demonstrated understanding of and commitment to charter schooling as a strategy for strengthening public education.

5. The commission shall annually elect a chairperson and vice chairperson, who shall act as chairperson in his or her absence. The commission shall meet at the call of the chairperson. The chairperson may call meetings at such times as he or she deems advisable and shall call a meeting when requested to do so by three or more members of the commission. Members of the commission are not eligible to receive compensation.

6. The commission may approve proposed charters for its sponsorship under sections 160.400 to 160.425 and shall:

(1) Comply with all of the requirements applicable to sponsors under sections 160.400 to 160.425;

(2) Exercise sponsorship over charters approved by the commission under sections 160.400 to 160.425, including receipt of sponsorship funding under subsection 11 of section 160.400.

7. Charter schools sponsored by the commission shall comply with all of the requirements applicable to charter schools under sections 160.400 to 160.425.

8. The commission shall conduct its business in accordance with chapter 610.

9. The department of elementary and secondary education shall provide start-up funding for the commission to operate. The commission shall reimburse the department's costs from any funds it receives as sponsor under section 160.400.

10. The commission is authorized to receive and expend gifts, grants, and donations of any kind from any public or private entity to carry out the purposes of sections 160.400 to 160.425, subject to

the terms and conditions under which they are given, provided that all such terms and conditions are permissible under law.

Section 1. The joint committee on education shall review the fifth cycle school improvement program standards to determine what effects, if any, changes to performance standards may have on the number and type of charter schools and charter school sponsorship as a consequence of a district's accreditation status. The joint committee on education shall deliver its report, which may contain recommendations for changes to law or to state board of education policy, no later than December 31, 2011, and again upon any subsequent substantive revision of the standards.”; and

Further amend the title and enacting clause accordingly.

Senator Cunningham moved that the above amendment be adopted.

At the request of Senator Pearce, **SB 291**, **SB 184** and **SB 294**, with **SCS** and **SA 4** (pending), were placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS No. 2** for **SCS** for **SB 320**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

HOUSE BILLS ON THIRD READING

Senator Rupp moved that **SS** for **HCS** for **HB 193** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Rupp, **SS** for **HCS** for **HB 193** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Crowell	Dempsey	Dixon	Goodman	Justus	Keaveny
Lager	Lembke	Mayer	Munzlinger	Nieves	Parson	Pearce	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Wasson—22		

NAYS—Senators

Chappelle-Nadal	Cunningham	Curls	Green	Kehoe	Kraus	Lamping	McKenna
Purgason	Stouffer	Wright-Jones—11					

Absent—Senator Engler—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SBs 113** and **95**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 188**.

Bill ordered enrolled.

INTRODUCTIONS OF GUESTS

Senator Schaaf introduced to the Senate, Nick Miller and Brad Harr, Kansas City.

Senator Schmitt introduced to the Senate, Sarah Riss, Webster Groves.

Senator Goodman introduced to the Senate, Van McClure, Springfield.

Senator Kehoe introduced to the Senate, Mrs. Cindy Wolken, Ms. Peggy Jobe, Ms. Anne Weber and fourth grade students from Immaculate Conception School, Jefferson City; and Andrew Bexten, Reagan Taggart, Abby Davis, Katie Wilson and Ally Webb were made honorary pages.

Senator Schaefer introduced to the Senate, the Physician of the Day, Dr. Michael Friedman, M.D., Columbia.

Senator Schaefer introduced to the Senate, students from Windsor Street Montessori School, Columbia.

Senator Lembke introduced to the Senate, Colonel Constance Edwards, Ph.D. and Rochelle Crump, Illinois.

Senator Munzlinger introduced to the Senate, Michelle Holmes, Mrs. Jay Houghton and students from St. Joseph Catholic School, Martinsburg.

Senator Keaveny introduced to the Senate, Alderman Jeffrey Boyd, St. Louis.

On motion of Senator Dempsey, the Senate adjourned until 11:00 a.m., Thursday, April 14, 2011.

SENATE CALENDAR

FIFTY-SECOND DAY—THURSDAY, APRIL 14, 2011

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 192
HCS for HBs 470 & 429
HCS for HB 336
HCS for HB 28
HCS for HB 546
HCS for HB 468

HB 677-Wells, et al
HB 737-Redmon and Shumake
HCS for HJR 3
HB 291-Denison, et al
HCS for HB 840

THIRD READING OF SENATE BILLS

- | | |
|--|---|
| 1. SCS for SB 11-McKenna
(In Fiscal Oversight) | 8. SS for SB 286-McKenna
(In Fiscal Oversight) |
| 2. SJR 10-Lembke and Green
(In Fiscal Oversight) | 9. SCS for SB 122-Schaaf
(In Fiscal Oversight) |
| 3. SCS for SBs 26 & 106-Wasson
(In Fiscal Oversight) | 10. SB 325-Wasson |
| 4. SB 204-Dempsey, et al
(In Fiscal Oversight) | 11. SS for SCS for SB 132-Rupp |
| 5. SCS for SB 100-Stouffer
(In Fiscal Oversight) | 12. SCS for SB 387-Wasson |
| 6. SS for SCS for SB 254-Stouffer
(In Fiscal Oversight) | 13. SCS for SB 300-Munzlinger |
| 7. SCS for SB 323-Schaefer
(In Fiscal Oversight) | 14. SCS for SB 337-Munzlinger |
| | 15. SS for SB 238-Schmitt |
| | 16. SS for SB 360-Lager |
| | 17. SCS for SB 230-Lager |
| | 18. SS#2 for SCS for SB 320-Lamping |

HOUSE BILLS ON THIRD READING

HCS for HB 45, with SCS (Pearce)
(In Fiscal Oversight)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SS for SB 231-Lager

SENATE BILLS FOR PERFECTION

SBs 1 & 206-Ridgeway, with SCS & SA 1
(pending)
SBs 7, 5, 74 & 169-Goodman, with SCS
SB 10-Rupp
SB 23-Keaveny, with SCS & SS for SCS
(pending)
SB 25-Schaaf, with SCS & SS for SCS
(pending)
SB 28-Brown

SB 37-Lembke, with SCS
SB 48-Wright-Jones, with SCS
SB 72-Kraus, with SS (pending)
SBs 88 & 82-Schaaf, with SCS & SA 1
(pending)
SB 120-Stouffer, with SS (pending)
SB 130-Rupp, with SCS & SS for SCS
(pending)
SB 175-Munzlinger, et al, with SA 1 (pending)

SB 176-Munzlinger, et al
 SBs 189, 217, 246, 252 & 79-Schmitt,
 with SCS
 SB 200-Crowell
 SB 203-Schmitt, et al, with SS (pending)
 SB 208-Lager
 SB 209-Lager
 SB 228-Pearce
 SB 242-Cunningham, with SCS & SS for SCS
 (pending)
 SB 247-Pearce, with SS (pending)
 SB 264-Rupp, with SCS

SB 278-Munzlinger, et al
 SB 280-Purgason, et al, with SCS & SS
 for SCS (pending)
 SBs 291, 184 & 294-Pearce, with SCS & SA 4
 (pending)
 SB 299-Munzlinger, with SCS (pending)
 SBs 369 & 370-Cunningham, with SCS
 SB 390-Schmitt, et al
 SB 420-Mayer, with SCS
 SJR 11-Munzlinger, with SCS
 SJR 15-Nieves, et al

HOUSE BILLS ON THIRD READING

HCS for HB 14, with SCS (Schaefer)
 HB 15-Silvey (Schaefer)

HCS for HB 61
 HB 71-Nasheed, et al

RESOLUTIONS

Reported from Committee

SR 179-Purgason

SCR 11-Wright-Jones

✓

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-SECOND DAY—THURSDAY, APRIL 14, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Draw nigh to God, and he will draw nigh to you.” (James 4:8)

Heavenly Father, You sustain us when our spirits sag and our souls ache and the cares of life seem to overwhelm us. We pray be ever present in our lives so we may know You and Your light so we might express Your will for us to those You have given us to love who carry on while we are here serving others. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Dempsey announced that photographers from Missouri News Horizon were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Lager offered Senate Resolution No. 780, regarding the Northwest Missouri State University women's basketball program, which was adopted.

Senator Lager offered Senate Resolution No. 781, regarding the Ninetieth Birthday of Betty Lou Butler Loch, Maryville, which was adopted.

Senator Lager offered Senate Resolution No. 782, regarding Carl Stafford, Saint Louis, which was adopted.

Senator Lager offered Senate Resolution No. 783, regarding Jory Baker, Independence, which was adopted.

Senator Lager offered Senate Resolution No. 784, regarding Elmer M. Gaug, Jr., which was adopted.

Senator Lager offered Senate Resolution No. 785, regarding Judy Carpenter, which was adopted.

Senator Lembke offered Senate Resolution No. 786, regarding James Andrew Herman, which was adopted.

Senator Lager offered Senate Resolution No. 787, regarding Dustin Davis Wetzel, which was adopted.

Senator Rupp offered Senate Resolution No. 788, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Arthur Schiermeier, Winfield, which was adopted.

Senator McKenna offered Senate Resolution No. 789, regarding Brady Douglas Politte, Imperial, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Purgason, Chairman of the Committee on Ways and Means and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Ways and Means and Fiscal Oversight, to which were referred **HCS** for **HB 45**, with **SCS**; **SS** for **SB 286**; **SCS** for **SB 323**; **SS** for **SCS** for **SB 254**; **SCS** for **SB 100**; and **SCS** for **SBs 26** and **106**, begs leave to report that it has considered the same and recommends that the bills do pass.

REFERRALS

President Pro Tem Mayer referred **SS** for **SCS** for **SB 320** to the Committee on Ways and Means and Fiscal Oversight.

THIRD READING OF SENATE BILLS

SCS for **SBs 26** and **106**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 26 and 106

An Act to amend chapter 301, RSMo, by adding thereto two new sections relating to specialized license plates.

Was taken up by Senator Wasson.

On motion of Senator Wasson, **SCS** for **SBs 26** and **106** was read the 3rd time and passed by the

following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SCS for SB 100, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 100

An Act to repeal section 135.1150, RSMo, and to enact in lieu thereof two new sections relating to tax credits for certain contributions.

Was taken up by Senator Stouffer.

On motion of Senator Stouffer, **SCS for SB 100** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SS for SCS for SB 254, introduced by Senator Stouffer, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 254

An Act to repeal sections 302.309, 558.021, and 577.023, RSMo, and to enact in lieu thereof three new sections relating to intoxicated-related traffic offenses, with existing penalty provisions.

Was taken up.

On motion of Senator Stouffer, **SS for SCS for SB 254** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SCS for SB 323, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 323

An Act to amend chapter 29, RSMo, by adding thereto one new section relating to a one-time audit and analysis of fiscal practices and cost savings in state agencies, with an emergency clause.

Was taken up by Senator Schaefer.

On motion of Senator Schaefer, **SCS** for **SB 323** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson
Wright-Jones—33							

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SS for **SB 286**, introduced by Senator McKenna, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 286

An Act to repeal sections 37.710, 160.261, 168.021, 168.071, 168.133, 210.135, 210.145, 210.152, 210.915, 210.922, and 556.037, RSMo, and to enact in lieu thereof eighteen new sections relating to protecting children from sex offenders.

Was taken up.

On motion of Senator McKenna, **SS** for **SB 286** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer

Wasson—33

NAYS—Senators—None

Absent—Senator Wright-Jones—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SB 325, introduced by Senator Wasson, entitled:

An Act to amend chapter 324, RSMo, by adding thereto one new section relating to notifying employers regarding the licensing status of employees.

Was taken up.

On motion of Senator Wasson, **SB 325** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer

Wasson Wright-Jones—34

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SS for SCS for SB 132, introduced by Senator Rupp, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 132

An Act to repeal sections 385.200, 385.206, and 385.208, RSMo, and to enact in lieu thereof seven new sections relating to motor vehicle extended service contracts, with penalty provisions.

Was taken up.

On motion of Senator Rupp, **SS for SCS for SB 132** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SCS for SB 387, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 387

An Act to repeal sections 544.455, 544.470, and 557.011, RSMo, and to enact in lieu thereof four new sections relating to electronic monitoring of certain offenders.

Was taken up by Senator Wasson.

On motion of Senator Wasson, **SCS for SB 387** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Senator Pearce assumed the Chair.

SCS for SB 300, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 300

An Act to amend chapter 252, RSMo, by adding thereto one new section relating to deer season.

Was taken up by Senator Munzlinger.

On motion of Senator Munzlinger, **SCS for SB 300** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Munzlinger, title to the bill was agreed to.

Senator Munzlinger moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SCS for **SB 337**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 337

An Act to repeal sections 263.190, 263.200, 263.205, 263.220, 263.230, 263.232, 263.240, 263.241, 263.450, and 268.121, RSMo, and to enact in lieu thereof five new sections relating to agriculture, with penalty provisions.

Was taken up by Senator Munzlinger.

On motion of Senator Munzlinger, **SCS** for **SB 337** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Munzlinger, title to the bill was agreed to.

Senator Munzlinger moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SS for **SB 238**, introduced by Senator Schmitt, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 238

An Act to repeal sections 87.005 and 87.006, RSMo, and to enact in lieu thereof two new sections relating to diseases presumed incurred in the line of duty by firefighters.

Was taken up.

On motion of Senator Schmitt, **SS** for **SB 238** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason	Ridgeway
Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—31	

NAYS—Senators

Crowell Mayer—2

Absent—Senator Richard—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schmitt, title to the bill was agreed to.

Senator Schmitt moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SS for **SB 360**, introduced by Senator Lager, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 360

An Act to amend chapter 67, RSMo, by adding thereto five new sections relating to a county drinking water supply lake authority.

Was taken up.

On motion of Senator Lager, **SS** for **SB 360** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson
Wright-Jones—33							

NAYS—Senators—None

Absent—Senator Richard—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Lager, title to the bill was agreed to.

Senator Lager moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SCS for SB 230, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 230**

An Act to amend chapter 260, RSMo, by adding thereto one new section relating to the disposal of tires.

Was taken up by Senator Lager.

On motion of Senator Lager, **SCS for SB 230** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Lager, title to the bill was agreed to.

Senator Lager moved that the vote by which the bill passed be reconsidered.

Senator Rupp moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Mayer, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointment, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Cheryl Hibbeler, Democrat, as a member of the Missouri Community Service Commission;

Also,

Andrew Schwartz, Republican, as a member of the St. Louis City Board of Election Commissioners;

Also,

Kristen Weber, as a member of the Child Abuse and Neglect Review Board;

Also,

Jenifer Placzek, Democrat, as a member of the Missouri Commission on Human Rights;

Also,

William Hopfinger, as a member of the Advisory Commission for Physical Therapists.

Senator Mayer requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Mayer moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointment, which motion prevailed.

President Pro Tem Mayer assumed the Chair.

Senator Callahan, Chairman of the Committee on Progress and Development, submitted the following reports:

Mr. President: Your Committee on Progress and Development, to which was referred **HB 749**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Progress and Development, to which was referred **HB 795**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Progress and Development, to which was referred **HB 182**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Progress and Development, to which was referred **HCS for HB 556**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Ridgeway, Chairman of the Committee on Health, Mental Health, Seniors and Families, submitted the following reports:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **HB 388**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred

HB 270, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **HCS** for **HBs 73** and **47**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **HB 423**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which were referred **SB 408** and **SB 80**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Purgason, Chairman of the Committee on Ways and Means and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Ways and Means and Fiscal Oversight, to which was referred **SB 155**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Ways and Means and Fiscal Oversight, to which was referred **SB 52**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Ways and Means and Fiscal Oversight, to which were referred **HB 116** and **HB 316**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Ways and Means and Fiscal Oversight, to which was referred **HCS** for **HB 557**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means and Fiscal Oversight, to which was referred **HCS** for **HB 631**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Engler, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SJR 12**, begs leave to report that it has considered the same and recommends that the joint

resolution do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 326**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 270**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 340**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 260**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HCS** for **HB 354**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 204**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 307** and **HB 812**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 798**, **HB 141**, **HB 153**, **HCS** for **HB 363**, **HB 415** and **HB 813**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Goodman, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 425**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 400**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 392**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Lager, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 403**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HCS for HB 338**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HB 339**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCS for HB 108**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 108, Page 1, Section A, Line 2, by inserting immediately after said line the following:

“115.305. **With the exception of section 115.342**, this subchapter shall not apply to candidates for special district offices, township offices in township organization counties, or city, town and village offices; provided that, cities of the fourth class, except those in a county of the first class with a charter form of government and which adjoins a city not within a county, may elect, only by ordinance, to hold primary elections in accordance with the provisions of sections 115.305 to 115.405 or in accordance with the provisions of sections 78.470, 78.480 and 78.510, and the ordinance shall state which of these provisions of law are being adopted.

115.342. 1. Any person who files as a candidate for election to a public office shall be disqualified from participation in the election for which the candidate has filed if such person is delinquent in the payment of any state income taxes, **city taxes, municipal user fees**, personal property taxes, real property taxes on

the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the state.

2. Each potential candidate for election to a public office shall file an affidavit with the department of revenue and include a copy of the affidavit with the declaration of candidacy required under section 115.349. Such affidavit shall be in substantially the following form:

“AFFIRMATION OF TAX PAYMENTS:

I hereby declare under penalties of perjury that I am not currently aware of any delinquency in the filing or payment of any state income taxes, **city taxes, municipal user fees**, personal property taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or that I am a past or present corporate officer of any fee office that owes any taxes to the state, other than those taxes which may be in dispute.

..... Candidate’s Signature

..... Printed Name of Candidate.”

3. Upon receipt of a complaint alleging a delinquency of the candidate in the filing or payment of any state income taxes, **city taxes, municipal user fees**, personal property taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the state, the department of revenue shall investigate such potential candidate to verify the claim contained in the complaint. If the department of revenue finds a positive affirmation to be false, the department shall contact the secretary of state, or the election official who accepted such candidate’s declaration of candidacy, and the potential candidate. The department shall notify the candidate of the outstanding tax owed and give the candidate thirty days to remit any such outstanding taxes owed which are not the subject of dispute between the department and the candidate. If the candidate fails to remit such amounts in full within thirty days, the candidate shall be disqualified from participating in the current election and barred from refiling for an entire election cycle even if the individual pays all of the outstanding taxes that were the subject of the complaint.”; and

Further amend said bill, page 7, section 130.036, line 63, by inserting immediately after said line the following:

“[115.346. Notwithstanding any other provisions of law to the contrary, no person shall be certified as a candidate for a municipal office, nor shall such person’s name appear on the ballot as a candidate for such office, who shall be in arrears for any unpaid city taxes or municipal user fees on the last day to file a declaration of candidacy for the office.]”; and

Further amend the title and enacting clause accordingly.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 15**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Senator Cunningham, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **SB 329**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 353**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SJR 16**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Pearce, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 391**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 253**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 738**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 229**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Schmitt, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 223**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 142**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 186**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Munzlinger, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 119**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 150**, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON SECOND READING

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

HB 458—Agriculture, Food Production and Outdoor Resources.

HCS for HB 641—Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 192—Commerce, Consumer Protection, Energy and the Environment.

HCS for HBs 470 and 429—General Laws.

HCS for HB 336—Jobs, Economic Development and Local Government.

HCS for HB 28—Health, Mental Health, Seniors and Families.

HCS for HB 546—General Laws.

HCS for HB 468—Jobs, Economic Development and Local Government.

HB 677—Education.

HB 737—Commerce, Consumer Protection, Energy and the Environment.

HCS for HJR 3—Agriculture, Food Production and Outdoor Resources.

HB 291—Transportation.

HCS for HB 840—Jobs, Economic Development and Local Government.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCR 37**, entitled:

HOUSE CONCURRENT RESOLUTION NO. 37

Relating to the recognition of every third week in June as Diabetic Peripheral Neuropathy Week.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

WHEREAS, Diabetic Peripheral Neuropathy (DPN) is a serious condition that results from damage to nerves due to prolonged exposure to high amounts of glucose in the bloodstream as a result of diabetes; and

WHEREAS, more than half of all diabetics suffer from DPN, and the areas of the body most commonly affected by DPN are the feet and legs; and

WHEREAS, nerve damage in the feet can result in the loss of foot sensation, increasing risk of foot problems and which manifests itself in intense pain often described as aching, tingling, burning, and numbness; and

WHEREAS, in 2009, 364,000 Missourians were diagnosed with diabetes; and

WHEREAS, DPN is the leading cause of amputations, and as many as 40 to 60 percent of lower extremity amputations are due to severe forms of DPN; and

WHEREAS, DPN is preventable only to the extent that the underlying cause is preventable, requiring the individual patient's alert awareness of bodily deficiency, illness, infection or injury that can cause DPN, and the individual's willingness to seek early diagnosis and treatment; and

WHEREAS, it is absolutely fitting and proper to designate a special week to raise public awareness of DPN and its symptoms:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri House of Representatives, Ninety-Sixth General Assembly, First Regular Session, the Senate concurring therein, hereby recognize the third week of June of each year as Diabetic Peripheral Neuropathy (DPN) Week in Missouri; and

BE IT FURTHER RESOLVED that the members of the Missouri House of Representatives and Senate encourage citizens throughout Missouri to observe this week by raising public awareness regarding the symptoms and treatment of this painful and dangerous neuropathy; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Governor for his approval or rejection pursuant to the Missouri Constitution.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 430**, entitled:

An Act to repeal sections 301.3084, 302.181, 304.120, 387.040, 387.050, 387.080, 387.110, 387.207, 390.051, 390.061, 390.116, 390.280, and 571.101, RSMo, and to enact in lieu thereof twenty new sections relating to transportation.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS No. 2** for **HB 609**, entitled:

An Act to repeal section 374.284, RSMo, and to enact in lieu thereof nine new sections relating to the Show-Me health insurance exchange act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 111**, entitled:

An Act to repeal sections 11.010, 32.056, 211.031, 221.105, 301.146, 302.020, 302.321, 303.025, 311.325, 452.430, 455.040, 475.060, 475.061, 475.115, 475.375, 479.020, 488.432, 488.5026, 516.140, 537.528, 544.455, 544.470, 557.011, and 574.105, RSMo, and to enact in lieu thereof fifty-four new sections relating to the judiciary, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 223** and **231**, entitled:

An Act to repeal sections 335.036, 335.200, 335.203, 335.206, and 335.209, RSMo, and to enact in lieu thereof four new sections relating to higher education financial assistance programs.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 591**, entitled:

An Act to amend chapter 332, RSMo, by adding thereto one new section relating to limited dental teaching license.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 407**, entitled:

An Act to amend chapter 379, RSMo, by adding thereto one new section relating to certificates of insurance for property and casualty insurance coverage.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 211**, entitled:

An Act to amend chapter 701, RSMo, by adding thereto one new section relating to lead abatement.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 697**, entitled:

An Act to amend chapter 536, RSMo, by adding thereto one new section relating to the repromulgation of state administrative rules.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 257**, entitled:

An Act to repeal section 558.019, RSMo, and to enact in lieu thereof one new section relating to abolishing the sentencing advisory commission, with existing penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 555**, entitled:

An Act to repeal sections 8.241, 178.900, 189.010, 189.065, 192.005, 198.012, 205.968, 208.151, 208.152, 208.275, 208.955, 209.150, 209.152, 209.200, 210.496, 210.900, 211.031, 211.202, 211.203, 211.206, 211.207, 211.447, 301.143, 402.210, 453.070, 475.121, 475.355, 476.537, 552.015, 552.020, 552.030, 552.040, 630.003, 630.005, 630.010, 630.053, 630.095, 630.097, 630.120, 630.165, 630.183, 630.192, 630.210, 630.335, 630.405, 630.425, 630.510, 630.605, 630.610, 630.635, 630.705, 630.715, 630.735, 632.005, 632.105, 632.110, 632.115, 632.120, 632.370, 632.380, 633.005, 633.010, 633.020, 633.029, 633.030, 633.045, 633.050, 633.110, 633.115, 633.120, 633.125, 633.130, 633.135, 633.140, 633.145, 633.150, 633.155, 633.160, 633.180, 633.185, 633.190, 633.210, 633.300, 633.303, 633.309, and 660.405, RSMo, and to enact in lieu thereof ninety new sections relating to the Missouri most vulnerable persons (MVP) act, with existing penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 357**, entitled:

An Act to repeal sections 135.950, 135.953, 135.957, 135.960, 135.963, and 135.967, RSMo, and to enact in lieu thereof seven new sections relating to enhanced enterprise zones.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 464**, entitled:

An Act to repeal sections 8.650, 8.900, 21.475, 21.780, 26.600, 26.603, 26.605, 26.607, 26.609, 26.611, 26.614, 32.250, 32.260, 90.101, 105.1006, 105.1010, 105.1012, 162.1000, 162.1060, 166.200, 166.201, 166.203, 166.205, 166.207, 166.209, 166.212, 166.215, 166.218, 166.220, 166.222, 166.225, 166.228, 166.231, 166.233, 166.235, 166.237, 166.240, 166.242, 190.176, 192.350, 192.352, 192.355, 192.735, 192.737, 192.739, 192.742, 192.745, 199.001, 199.003, 199.007, 199.009, 199.010, 199.029, 199.031, 199.037, 199.039, 199.041, 199.043, 199.051, 208.175, 208.195, 208.275, 208.530, 208.533, 208.535, 208.792, 208.955, 210.101, 210.102, 210.496, 260.372, 260.705, 260.720, 260.725, 260.735, 286.001,

286.005, 286.200, 286.205, 286.210, 302.136, 304.028, 320.094, 320.205, 334.721, 344.060, 344.105, 344.108, 361.070, 361.092, 361.093, 361.094, 361.095, 361.096, 361.097, 361.098, 361.105, 362.040, 362.111, 362.325, 369.014, 369.024, 369.144, 369.159, 369.294, 369.299, 369.304, 369.309, 369.314, 369.319, 369.329, 371.060, 371.090, 371.240, 620.638, 620.641, 620.644, 620.647, 620.650, 620.653, 630.900, 630.910, 630.915, 632.020, 660.010, and 701.302, RSMo, and section 362.105 as enacted by senate committee substitute for senate bill no. 630, ninety-fifth general assembly, second regular session, and to enact in lieu thereof eighty-five new sections for the sole purpose of eliminating, combining, and revising certain state boards, commissions, committees, and councils.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Engler offered Senate Resolution No. 790, regarding Connie J. Phelps, which was adopted.

Senator Engler offered Senate Resolution No. 791, regarding Barbara Mayberry, which was adopted.

Senator Engler offered Senate Resolution No. 792, regarding Leslie Jones, which was adopted.

Senator Engler offered Senate Resolution No. 793, regarding Mary K. Gunder, which was adopted.

Senator Engler offered Senate Resolution No. 794, regarding Mary Lee Merritt, which was adopted.

Senator Engler offered Senate Resolution No. 795, regarding Robert L. Wright, which was adopted.

Senator Engler offered Senate Resolution No. 796, regarding Jack Pratt, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Richard introduced to the Senate, Nicole Kratky and her daughter, Hannah Eileen, St. Louis.

Senator Richard introduced to the Senate, his son, Chad Greer and Shawn McGrew, Chad Allison, Ryan Jackson and Jerrod Hogan, representatives of Leadership Joplin.

Senator Parson introduced to the Senate, United States Army Captain Jennifer Morris, Fort Lewis, Washington.

Senator Lamping introduced to the Senate, students from Forsyth School, St. Louis.

Senator Parson introduced to the Senate, Agape Christian Boarding School Boys' Choir, Stockton.

Senator Rupp introduced to the Senate, students from Troy Holiness School.

Senator Schaaf introduced to the Senate, forty fourth grade students from Hyde Elementary School, St. Joseph.

Senator Lager introduced to the Senate, teachers, parents and students from St. Gregory School, Maryville.

Senator Lembke introduced to the Senate, representatives of South County Chamber of Commerce, St. Louis.

Senator Kehoe introduced to the Senate, Mrs. Lora Boessen, Ms. Tina Forbis and fourth grade students from St. Francis Xavier Elementary School, Taos.

On motion of Senator Dempsey, the Senate adjourned until 4:00 p.m., Monday, April 18, 2011.

SENATE CALENDAR

FIFTY-THIRD DAY—MONDAY, APRIL 18, 2011

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 430	HB 211-Koenig, et al
HCS#2 for HB 609	HCS for HB 697
HCS for HB 111	HB 257-Cox, et al
HCS for HBs 223 & 231	HCS for HB 555
HB 591-Lichtenegger, et al	HB 357-Leara
HCS for HB 407	HCS for HB 464

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna (In Fiscal Oversight)	SCS for SB 122-Schaaf (In Fiscal Oversight)
SJR 10-Lembke and Green (In Fiscal Oversight)	SS#2 for SCS for SB 320-Lamping
SB 204-Dempsey, et al (In Fiscal Oversight)	(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SBs 408 & 80-Crowell, with SCS	11. SB 392-Rupp, with SCS
2. SB 155-Rupp, with SCS	12. SB 403-Nieves
3. SB 52-Cunningham	13. SB 329-Nieves
4. SJR 12-Green	14. SB 353-Engler
5. SB 326-Wasson	15. SJR 16-Goodman, with SCS
6. SB 270-Kraus, with SCS	16. SB 391-Lager
7. SB 340-Wasson, with SCS	17. SB 253-Callahan and Cunningham, with SCS
8. SB 260-Wasson, with SCS	18. SB 223-Mayer
9. SB 425-Goodman, with SCS	19. SB 119-Schaefer
10. SB 400-Kraus, with SCS	20. SB 150-Munzlinger

HOUSE BILLS ON THIRD READING

- | | |
|--|--|
| 1. HCS for HB 45, with SCS (Pearce) | 7. HB 204-Hoskins, et al |
| 2. HB 270-Burlison and Swinger, with SCS | 8. HB 307 & HB 812, with SCS |
| 3. HCS for HBs 73 & 47, with SCS (Crowell) | 9. HB 798, HB 141, HB 153, HCS for HB 363,
HB 415 & HB 813, with SCS (Lembke) |
| 4. HB 423-Burlison, et al | 10. HCS for HB 338 |
| 5. HCS for HBs 116 & 316, with SCS
(Purgason) | 11. HB 339-Pollock, et al (Lager) |
| 6. HCS for HB 354 | 12. HCS for HB 108, with SCA 1 (Curls) |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SS for SB 231-Lager

SENATE BILLS FOR PERFECTION

- | | |
|--|--|
| SBs 1 & 206-Ridgeway, with SCS & SA 1
(pending) | SB 200-Crowell |
| SBs 7, 5, 74 & 169-Goodman, with SCS | SB 203-Schmitt, et al, with SS (pending) |
| SB 10-Rupp | SB 208-Lager |
| SB 23-Keaveny, with SCS & SS for SCS
(pending) | SB 209-Lager |
| SB 25-Schaaf, with SCS & SS for SCS
(pending) | SB 228-Pearce |
| SB 28-Brown | SB 242-Cunningham, with SCS & SS for SCS
(pending) |
| SB 37-Lembke, with SCS | SB 247-Pearce, with SS (pending) |
| SB 48-Wright-Jones, with SCS | SB 264-Rupp, with SCS |
| SB 72-Kraus, with SS (pending) | SB 278-Munzlinger, et al |
| SBs 88 & 82-Schaaf, with SCS & SA 1
(pending) | SB 280-Purgason, et al, with SCS & SS
for SCS (pending) |
| SB 120-Stouffer, with SS (pending) | SBs 291, 184 & 294-Pearce, with SCS & SA 4
(pending) |
| SB 130-Rupp, with SCS & SS for SCS
(pending) | SB 299-Munzlinger, with SCS (pending) |
| SB 175-Munzlinger, et al, with SA 1 (pending) | SBs 369 & 370-Cunningham, with SCS |
| SB 176-Munzlinger, et al | SB 390-Schmitt, et al |
| SBs 189, 217, 246, 252 & 79-Schmitt, with SCS | SB 420-Mayer, with SCS |
| | SJR 11-Munzlinger, with SCS |
| | SJR 15-Nieves, et al |

HOUSE BILLS ON THIRD READING

HCS for HB 14, with SCS (Schaefer)
HB 15-Silvey (Schaefer)

HCS for HB 61
HB 71-Nasheed, et al

CONSENT CALENDAR

House Bills

Reported 4/14

HB 749-Lasater, et al
HB 795-Kelley (126), et al
HB 182-Walton Gray, et al
HCS for HB 556
HB 388-Burlison, with SCS
HCS for HB 557

HCS for HB 631, with SCS
HB 738-Nasheed, et al, with SCS
HB 229-Curls and Leara
HB 142-Gatschenberger, with SCS
HB 186-Entlicher, et al, with SCS (Parson)

RESOLUTIONS

Reported from Committee

SR 179-Purgason
SCR 11-Wright-Jones

HCR 15-Brown (50), et al (Curls)

To be Referred

HCR 37-Franklin, et al

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Journal of the Senate

FIRST REGULAR SESSION

FIFTY-THIRD DAY—MONDAY, APRIL 18, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Rejoice in the Lord always. Again I say rejoice.” (Philippians 4:4)

O Lord, sometimes we are so focused on what is not important that we miss the things that truly are. Help us to appreciate those people and things that make life delightful and for which we ought to rejoice and give thanks. Help us to appreciate our staff that allows us to be engaged in the things we must do and care for all the other demands that come to our attention. May You bless all those who help us be about that which You have called us to do. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

Senator Dempsey moved that the Journal for Thursday, April 14, 2011 be corrected on page 732, line 24, by deleting: “**HB 116** and **HB 316**” and inserting in lieu thereof: “**HCS for HBs 116 and 316**”, which motion prevailed.

The Journal for Thursday, April 14, 2011 was approved as corrected.

Senator Dempsey announced that photographers from Missouri News Horizon were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Munzlinger offered Senate Resolution No. 797, regarding Corrections Officer I Christopher Bowen, Hannibal, which was adopted.

Senator Crowell offered Senate Resolution No. 798, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Douglas August, Scott City, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 799, regarding the death of Martha Jimmar Christmas, Saint Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 800, regarding Delta Sigma Theta Sorority, Incorporated, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 801, regarding Toastmasters International District 8, which was adopted.

Senator Parson offered Senate Resolution No. 802, regarding the death of Gregory Scott “Greg” Greven, Springfield, which was adopted.

Senator Lager offered Senate Resolution No. 803, regarding Nathan Lane Nold, St. Joseph, which was adopted.

Senator Munzlinger offered Senate Resolution No. 804, regarding Harrison Cole Given, Mexico, which was adopted.

Senator McKenna offered Senate Resolution No. 805, regarding Clifford R. King, Dittmer, which was adopted.

Senator McKenna offered Senate Resolution No. 806, regarding Karen Yenigues, which was adopted.

Senator McKenna offered Senate Resolution No. 807, regarding Joe Hainline, which was adopted.

Senator Green offered Senate Resolution No. 808, regarding the 2010-2011 Class 5 state champion McCluer North High School Boys Basketball Stars, which was adopted.

Senator Engler offered Senate Resolution No. 809, regarding Susan G. Hilbert, which was adopted.

Senator Engler offered Senate Resolution No. 810, regarding Janet M. Huck, which was adopted.

Senator Engler offered Senate Resolution No. 811, regarding Robert Georger, which was adopted.

Senator Engler offered Senate Resolution No. 812, regarding Melinda Sisson, which was adopted.

Senator Engler offered Senate Resolution No. 813, regarding Patsy Louise Nixon, Potosi, which was adopted.

Senator Engler offered Senate Resolution No. 814, regarding Mona L. Yow, Puxico, which was adopted.

Senator Engler offered Senate Resolution No. 815, regarding Debra Yount, Potosi, which was adopted.

Senator Engler offered Senate Resolution No. 816, regarding Anne M. Munoz, Ste. Genevieve, which was adopted.

Senator Engler offered Senate Resolution No. 817, regarding Diana Kay Schaffer, Festus, which was adopted.

Senator Parson offered Senate Resolution No. 818, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Willard Harper, Osceola, which was adopted.

Senator Parson offered Senate Resolution No. 819, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lonnie Janes, El Dorado Springs, which was adopted.

Senator Parson offered Senate Resolution No. 820, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Donnie Lightfoot, Bolivar, which was adopted.

Senator Parson offered Senate Resolution No. 821, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. John Falcone, Bolivar, which was adopted.

Senator Parson offered Senate Resolution No. 822, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Dale Snyder, Clinton, which was adopted.

Senator Kraus offered Senate Resolution No. 823, regarding Kalili-Mateo Lene Fuimaono, Independence, which was adopted.

Senator Goodman offered Senate Resolution No. 824, regarding Pastor Bob Holman, which was adopted.

Senator Engler offered Senate Resolution No. 825, regarding Sandy Neff, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Mayer, Chairman of the Committee on Gubernatorial Appointments, submitted the following report, which was read:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of James Corwin, as a member of the Peace Officer Standards and Training Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Mayer moved that the Committee Report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS for SB 19; SCS for SB 108; SS for SCS for SBs 113 and 95; and SCS for SB 188**, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

President Pro Tem Mayer assumed the Chair.

Senator Callahan, Chairman of the Committee on Progress and Development, submitted the following reports:

Mr. President: Your Committee on Progress and Development, to which was referred **HB 749**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Progress and Development, to which was referred **HB 795**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Progress and Development, to which was referred **HB 182**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Progress and Development, to which was referred **HCS for HB 556**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Ridgeway, Chairman of the Committee on Health, Mental Health, Seniors and Families, submitted the following report:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **HB 388**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Purgason, Chairman of the Committee on Ways and Means and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Ways and Means and Fiscal Oversight, to which was referred **HCS for HB 631**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Ways and Means and Fiscal Oversight, to which was referred **HCS for HB 557**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Pearce, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **HB 738**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 229**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Schmitt, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 142**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 186**, begs leave to report that it has considered the same and recommends that the Senate

Committee Substitute, hereto attached, do pass.

Senator Schaefer, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 3**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 4**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 5**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 6**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 7**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 8**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 9**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 10**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 11**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 12**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 13**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SCS** for **SB 19**; **SCS** for **SB 108**; **SS** for **SCS** for **SBs 113** and **95**; and **SCS** for **SB 188**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

Senator Stouffer assumed the Chair.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **HCS** for **HB 193** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 300, 334** and **387**, entitled:

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to student athlete brain injuries.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

adopted **SS** for **SCS**, as amended, for **HB 209** and has taken up and passed **SS** for **SCS** for **HB 209**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1** to **HCS** for **HB 174** and has taken up and passed **HCS** for **HB 174**, as amended.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 430**—Transportation.

HCS No. 2 for **HB 609**—Small Business, Insurance and Industry.

HCS for **HB 111**—Judiciary and Civil and Criminal Jurisprudence.

HCS for **HBs 223** and **231**—Education.

HB 591—Financial and Governmental Organizations and Elections.

HCS for **HB 407**—Financial and Governmental Organizations and Elections.

HB 211—Health, Mental Health, Seniors and Families.

HCS for **HB 697**—Financial and Governmental Organizations and Elections.

HB 257—Judiciary and Civil and Criminal Jurisprudence.

HCS for **HB 555**—Health, Mental Health, Seniors and Families.

HB 357—Jobs, Economic Development and Local Government.

HCS for **HB 464**—Financial and Governmental Organizations and Elections.

REFERRALS

President Pro Tem Mayer referred **HCS** for **HBs 116** and **316**, with **SCS**; **HCS** for **HBs 73** and **47**, with **SCS**; and **HB 270**, with **SCS**, to the Committee on Ways and Means and Fiscal Oversight.

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

HCR 37—Rules, Joint Rules, Resolutions and Ethics.

HOUSE BILLS ON THIRD READING

HCS for **HB 14**, with **SCS**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2011.

Was called from the Informal Calendar and taken up by Senator Schaefer.

SCS for **HCS** for **HB 14**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 14

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2011.

Was taken up.

Senator Schaefer moved that **SCS** for **HCS** for **HB 14** be adopted.

Senator Schaefer offered **SS** for **SCS** for **HCS** for **HB 14**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 14

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2011.

Senator Schaefer moved that **SS** for **SCS** for **HCS** for **HB 14** be adopted, which motion prevailed.

On motion of Senator Schaefer, **SS** for **SCS** for **HCS** for **HB 14** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Curls	Dempsey	Dixon	Engler	Goodman
Green	Justus	Keaveny	Kehoe	Kraus	Lamping	Mayer	McKenna
Munzlinger	Nieves	Parson	Pearce	Richard	Ridgeway	Rupp	Schaefer
Schmitt	Stouffer	Wasson	Wright-Jones—28				

NAYS—Senators

Crowell	Cunningham	Lager	Lembke	Purgason	Schaaf—6
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

BILLS DELIVERED TO THE GOVERNOR

SCS for **SB 19**; **SCS** for **SB 108**; **SS** for **SCS** for **SBs 113** and **95**; and **SCS** for **SB 188**, after having

been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

HOUSE BILLS ON THIRD READING

HB 15, introduced by Representative Silvey, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2011.

Was called from the Informal Calendar and taken up by Senator Schaefer.

Senator Pearce assumed the Chair.

On motion of Senator Schaefer, **HB 15** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Curls	Dempsey	Dixon	Engler	Goodman
Green	Justus	Keaveny	Kehoe	Lager	Lamping	Mayer	McKenna
Munzlinger	Parson	Pearce	Richard	Ridgeway	Rupp	Schaaf	Schaefer
Schmitt	Stouffer	Wasson	Wright-Jones—28				

NAYS—Senators

Crowell	Cunningham	Kraus	Lembke	Nieves	Purgason—6
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

President Pro Tem Mayer assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HCS** for **HB 174**; **SS** for **SCS** for **HB 209**; and **HB 358**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

Senator Goodman assumed the Chair.

HOUSE BILLS ON THIRD READING

HCS for **HB 45**, with **SCS**, entitled:

An Act to repeal section 1.310, RSMo, and to enact in lieu thereof two new sections relating to small businesses.

Was taken up by Senator Pearce.

SCS for **HCS** for **HB 45**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 45

An Act to repeal section 1.310, RSMo, and to enact in lieu thereof two new sections relating to small businesses.

Was taken up.

Senator Schmitt assumed the Chair.

Senator Pearce moved that **SCS** for **HCS** for **HB 45** be adopted.

Senator Pearce offered **SS** for **SCS** for **HCS** for **HB 45**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 45

An Act to repeal section 1.310, RSMo, and to enact in lieu thereof two new sections relating to small businesses.

Senator Pearce moved that **SS** for **SCS** for **HCS** for **HB 45** be adopted.

Senator Crowell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 45, Page 3, Section 143.173, Lines 11-12 of said page, by striking “twenty-six” and inserting in lieu thereof the following: “**fifty-two**”; and further amend lines 12-19 of said page, by striking all of said lines and inserting in lieu thereof the following: “**week period**”; and further amend line 22 of said page, by striking the word “average”.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 45, Page 5, Section 143.173, Line 12 of said page, by inserting after all of said line the following:

“536.305. 1. There is hereby established the “Small Business Regulatory Fairness Board”. The [department of economic development] **office of lieutenant governor** shall provide staff support for the

board.

2. The board shall be composed of nine members appointed in the following manner:

- (1) One member who is the chair of the minority business advocacy commission;
- (2) One member appointed by the president pro tempore of the senate;
- (3) One member appointed by the minority leader of the senate;
- (4) One member appointed by the speaker of the house of representatives;
- (5) One member appointed by the minority leader of the house of representatives; and
- (6) Four members appointed by the governor.

3. Each member of the board, except for the public members and the chair of the minority business advocacy commission, shall be a current or former owner or officer of a small business. All members of the board shall represent a variety of small businesses, both rural and urban, and be from a variety of geographical areas of this state, provided that no more than two members shall represent the same type of small business.

4. Members of the board shall serve a term of three years and may be reappointed at the conclusion of the term. No member shall serve more than three consecutive terms. Appointments shall be made so that one-third of the membership of the board shall terminate each year. The governor shall appoint the initial chairperson of the board and a majority of the board shall elect subsequent chairpersons. The chairperson shall serve as chair for a term of not more than two years.

5. Members of the board shall serve without compensation, but may be reimbursed for reasonable and necessary expenses relating to their performance of duties, according to the rules and regulations of travel issued by the office of administration. Members will be required to submit an expense account form in order to obtain reimbursement for expenses incurred.

6. The board shall meet as often as necessary, as determined by the chairperson of the board. All meetings of the board will be conducted in accordance with the governmental bodies and records act, chapter 610, including closed sessions. Notice will be posted and will be provided to the joint committee on administrative rules. Minutes of the meetings shall be provided to all members, the office of the governor, and the joint committee on administrative rules.

7. In addition to any other powers provided by sections 536.300 to 536.328, the board may adopt any rules necessary to implement sections 536.300 to 536.328 and take any action necessary to effectuate the purposes of sections 536.300 to 536.328. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of this chapter and, if applicable, section 536.028. This section and this chapter are nonseverable and if any of the powers vested with the general assembly pursuant to this chapter to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.

536.310. 1. The board shall:

- (1) Provide state agencies with input regarding rules that adversely affect small businesses;

(2) Solicit input and conduct hearings from small business owners and state agencies regarding any rules proposed by a state agency; and

(3) Provide an evaluation report to the governor and the general assembly, including any recommendations and evaluations of state agencies regarding regulatory fairness for Missouri's small businesses. The report shall include comments from small businesses, state agency responses, and a summary of any public testimony on rules brought before the board for consideration.

2. In any inquiry conducted by the board because of a request from a small business owner, the board may make recommendations to the state agency.

If the board makes recommendations, such recommendations shall be based on any of the following grounds:

(1) The rule creates an undue barrier to the formation, operation, and expansion of small businesses in a manner that significantly outweighs the rule's benefits to the public; or

(2) New or significant economic information indicates the proposed rule would create an undue impact on small businesses; or

(3) Technology, economic conditions, or other relevant factors justifying the purpose for the rule has changed or no longer exists; or

(4) If the rule was adopted after August 28, 2004, whether the actual effect on small businesses was not reflected in or significantly exceeded the small business impact statement submitted prior to the adoption of the rules.

3. Subject to appropriations, the board may hire a one-half full-time equivalent employee for clerical support and a full-time equivalent employee for a professional position to:

(1) Conduct internet website additions, corrections, and deletions;

(2) Develop training programs for agencies;

(3) Send regulatory alerts to interested small business subscribers;

(4) Track small business comments regarding agencies and review and respond to the agency and small business accordingly;

(5) Prepare for board meetings and hearings, including outreach, travel, agendas, and minutes;

(6) Prepare member maintenance expense reports and appointments;

(7) Analyze small business impact statements. After such analysis, the employee shall review such statements, offer suggestions, and work with agencies to meet the statute requirements;

(8) Analyze biannual report reviews;

(9) Conduct agency correspondence and training;

(10) Conduct small business outreach by speaking at chamber and association events;

(11) Review the Missouri Register and other sources to look for proposed rules that may affect small business.

4. Subject to appropriations, the board may receive additional funds for:

- (1) Upkeep of its internet website;
- (2) Information technology;
- (3) Mileage for board members;
- (4) Publication, printing, and distribution of annual reports; and
- (5) Outreach costs.

536.312. There is hereby created in the state treasury the “Small Business Regulatory Fairness Fund”, which shall consist of moneys collected by the secretary of state for business registration fees. Fifty cents from each business registration fee shall be deposited into the fund. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, moneys in the fund shall be used solely for the administration of subsection 3 of section 536.310. At the end of each fiscal year, the state treasurer shall transfer the balance in this fund into the state general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.”; and

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted.

Senator Justus offered **SA 1** to **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 45, Page 1, Section 536.305, Line 5, by striking “**lieutenant**”.

Senator Justus moved that the above amendment be adopted.

Senator Callahan raised the point of order that **SA 2** is out of order as it goes beyond the scope of the underlying bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Green offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 45, Page 4, Section 143.173, Line 13, by striking the word “fifty” and inserting in lieu thereof the following: “**eighty**”.

Senator Green moved that the above amendment be adopted, which motion failed.

Senator Pearce moved that **SS** for **SCS** for **HCS** for **HB 45**, as amended, be adopted, which motion prevailed.

On motion of Senator Pearce, **SS** for **SCS** for **HCS** for **HB 45**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown

Callahan

Chappelle-Nadal

Crowell

Cunningham

Curls

Dempsey

Dixon

Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

COMMUNICATIONS

Senator Crowell submitted the following:

April 14, 2011

Ms. Terry Spieler
Secretary of Senate
State Capitol Building – Room 325
Jefferson City, Missouri 65101

Dear Madame Secretary:

I respectfully request that the following bills be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

HB 142 (Gatschenberger) – Requires the auditor of any county with a charter form of government to take an annual inventory of county property with an original value of \$1,000 or more rather than \$250

HB 182 (Gray) – Designates the first Friday in March of each year as “Dress in Blue for Colon Cancer Awareness Day”

HB 186 (Entlicher) – Requires an elected or appointed county commission clerk to live in the county in which the clerk was elected for one year rather than six months

HB 229 (Curls) – Modifies provisions relating to the Public School Retirement System of Kansas City.

HB 388 (Burlison) – Requires the attending physician, rather than the Department of Health and Senior Services, to provide a breast implantation patient with information on the advantages, disadvantages, and risks associated with the procedure.

HB 556 (Grisamore) – Requires each school board to annually provide instruction on disability history and awareness and designates October as “disability History and Awareness Month”

HB 557 (Grisamore) – Allows the Mental Health Earnings Fund to be used for the deposit of revenue received from the proceeds of any sales and services from Mental Health First Aid USA

HB 631 (Grisamore) – Creates an income tax check-off for contributions to the developmental disabilities waiting list equity fund.

HB 738 (Nasheed) – Modifies provisions relating to elementary and secondary education

HB 749 (Lasater) – Designates the month of April as “Child Abuse Prevention Month” and recognizes the “blue ribbon” as the official state symbol for child abuse prevention.

HB 795 (Kelley) – Designates the second Friday of March of each year as “Missouri School Read-In Day”

Sincerely,
/s/ Jason G. Crowell
Jason G. Crowell
State Senator

Senator Callahan submitted the following:

April 18, 2011

Terry Spieler - Secretary of the Senate
State Capitol, Room 325
Jefferson City, Missouri 65102

Dear Ms. Spieler:

As you may be aware, under section 21.795 of the Revised Statutes of Missouri, the Joint Committee on Transportation Oversight must be comprised of members of the standing transportation committees of the respective chambers. Pursuant to the section, please consider this correspondence to be my appointment of Senator Ryan McKenna and Senator Robin Wright-Jones to the Joint Committee on Transportation Oversight.

Sincerely,
/s/ Victor E. Callahan
Victor Callahan

INTRODUCTIONS OF GUESTS

Senator Pearce introduced to the Senate, students from Sterling Elementary School, Warrensburg.

Senator Kehoe introduced to the Senate, Eddie Crouse, Claire Crossnoe and Adrienne Luther, Jefferson City; and Alice Guillot, Lucie Le Calve’ and Manon Lacroix, France; and Eddie, Claire, Adrienne, Alice, Lucie and Manon were made honorary pages.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-FOURTH DAY—TUESDAY, APRIL 19, 2011

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HBs 300, 334 & 387

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna (In Fiscal Oversight)

SJR 10-Lembke and Green (In Fiscal Oversight)

SB 204-Dempsey, et al (In Fiscal Oversight)
SCS for SB 122-Schaaf (In Fiscal Oversight)

SS#2 for SCS for SB 320-Lamping
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

- | | |
|-----------------------------------|--|
| 1. SBs 408 & 80-Crowell, with SCS | 11. SB 392-Rupp, with SCS |
| 2. SB 155-Rupp, with SCS | 12. SB 403-Nieves |
| 3. SB 52-Cunningham | 13. SB 329-Nieves |
| 4. SJR 12-Green | 14. SB 353-Engler |
| 5. SB 326-Wasson | 15. SJR 16-Goodman, with SCS |
| 6. SB 270-Kraus, with SCS | 16. SB 391-Lager |
| 7. SB 340-Wasson, with SCS | 17. SB 253-Callahan and Cunningham, with SCS |
| 8. SB 260-Wasson, with SCS | 18. SB 223-Mayer |
| 9. SB 425-Goodman, with SCS | 19. SB 119-Schaefer |
| 10. SB 400-Kraus, with SCS | 20. SB 150-Munzlinger |

HOUSE BILLS ON THIRD READING

- | | |
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| 1. HB 270-Burlison and Swinger, with SCS
(In Fiscal Oversight) | 17. HCS for HB 631, with SCS |
| 2. HCS for HBs 73 & 47, with SCS (Crowell)
(In Fiscal Oversight) | 18. HCS for HB 557 (Brown) |
| 3. HB 423-Burlison, et al | 19. HB 738-Nasheed, et al, with SCS |
| 4. HCS for HBs 116 & 316, with SCS
(Purgason) (In Fiscal Oversight) | 20. HB 229-Curls and Leara |
| 5. HCS for HB 354 (Rupp) | 21. HB 142-Gatschenberger, with SCS |
| 6. HB 204-Hoskins, et al | 22. HB 186-Entlicher, et al, with SCS (Parson) |
| 7. HB 307 & HB 812, with SCS | 23. HCS for HB 1 (Schaefer) |
| 8. HB 798, HB 141, HB 153, HCS for HB 363,
HB 415 & HB 813, with SCS (Lembke) | 24. HCS for HB 2, with SCS (Schaefer) |
| 9. HCS for HB 338 (Lager) | 25. HCS for HB 3, with SCS (Schaefer) |
| 10. HB 339-Pollock, et al (Lager) | 26. HCS for HB 4, with SCS (Schaefer) |
| 11. HCS for HB 108, with SCA 1 (Curls) | 27. HCS for HB 5, with SCS (Schaefer) |
| 12. HB 749-Lasater, et al | 28. HCS for HB 6, with SCS (Schaefer) |
| 13. HB 795-Kelley (126), et al (Parson) | 29. HCS for HB 7, with SCS (Schaefer) |
| 14. HB 182-Walton Gray, et al | 30. HCS for HB 8, with SCS (Schaefer) |
| 15. HCS for HB 556 | 31. HCS for HB 9, with SCS (Schaefer) |
| 16. HB 388-Burlison, with SCS | 32. HCS for HB 10, with SCS (Schaefer) |
| | 33. HCS for HB 11, with SCS (Schaefer) |
| | 34. HCS for HB 12, with SCS (Schaefer) |
| | 35. HCS for HB 13, with SCS (Schaefer) |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SS for SB 231-Lager

SENATE BILLS FOR PERFECTION

SBs 1 & 206-Ridgeway, with SCS & SA 1
(pending)

SBs 7, 5, 74 & 169-Goodman, with SCS

SB 10-Rupp

SB 23-Keaveny, with SCS & SS for SCS
(pending)

SB 25-Schaaf, with SCS & SS for SCS
(pending)

SB 28-Brown

SB 37-Lembke, with SCS

SB 48-Wright-Jones, with SCS

SB 72-Kraus, with SS (pending)

SBs 88 & 82-Schaaf, with SCS & SA 1
(pending)

SB 120-Stouffer, with SS (pending)

SB 130-Rupp, with SCS & SS for SCS
(pending)

SB 175-Munzlinger, et al, with SA 1 (pending)

SB 176-Munzlinger, et al

SBs 189, 217, 246, 252 & 79-Schmitt, with SCS

SB 200-Crowell

SB 203-Schmitt, et al, with SS (pending)

SB 208-Lager

SB 209-Lager

SB 228-Pearce

SB 242-Cunningham, with SCS & SS for SCS
(pending)

SB 247-Pearce, with SS (pending)

SB 264-Rupp, with SCS

SB 278-Munzlinger, et al

SB 280-Purgason, et al, with SCS & SS for SCS
(pending)

SBs 291, 184 & 294-Pearce, with SCS & SA 4
(pending)

SB 299-Munzlinger, with SCS (pending)

SBs 369 & 370-Cunningham, with SCS

SB 390-Schmitt, et al

SB 420-Mayer, with SCS

SJR 11-Munzlinger, with SCS

SJR 15-Nieves, et al

HOUSE BILLS ON THIRD READING

HCS for HB 61

HB 71-Nasheed, et al

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

Requests to Recede or Grant Conference

HCS for HB 193, with SS (Rupp)
(House requests Senate
recede or grant conference)

RESOLUTIONS

Reported from Committee

SR 179-Purgason
SCR 11-Wright-Jones

HCR 15-Brown (50), et al (Curls)

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Journal of the Senate

FIRST REGULAR SESSION

FIFTY-FOURTH DAY—TUESDAY, APRIL 19, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“So we do not lose heart. Even though our outer nature is wasting away, our inner nature is being renewed day by day.” (2 Corinthians 4:16)

Gracious God, we are marvelously made yet time and stress take their toll on our bodies and as we work our way through this week we pray that You will renew our inner person. We pray You will nourish and strengthen us by remembering Your divine love giving us joyful hope so we can bring all we are to the work that is before us and to the people we encounter through our day. Bless us, O Lord, and be an ever present help. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Dempsey announced that photographers from Missouri News Horizon were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Keaveny offered Senate Resolution No. 826, regarding the Niagra Foundation and the Turkish American Foundation of the Midwest, which was adopted.

Senator Wasson offered Senate Resolution No. 827, regarding Janet Hunt, which was adopted.

Senator Wasson offered Senate Resolution No. 828, regarding Martha L. Towe, which was adopted.

Senator Lembke offered Senate Resolution No. 829, regarding the death of James E. “Jim” Tuscher, which was adopted.

Senator Munzlinger offered Senate Resolution No. 830, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lyndal Barker, Benton City, which was adopted.

Senator Munzlinger offered Senate Resolution No. 831, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Don Brodhacker, which was adopted.

Senator Munzlinger offered Senate Resolution No. 832, regarding the Fiftieth Wedding Anniversary of Reverend and Mrs. John Blass, Martinsburg, which was adopted.

Senator Kehoe offered Senate Resolution No. 833, regarding Maureen T. Mead, which was adopted.

HOUSE BILLS ON THIRD READING

At the request of Senator Nieves, **HB 423** was placed on the Informal Calendar.

HCS for **HB 354**, entitled:

An Act to repeal section 643.315, RSMo, and to enact in lieu thereof one new section relating to exempting qualified plug-in electric drive vehicles from the motor vehicle emissions inspection program.

Was taken up by Senator Rupp.

Senator Pearce assumed the Chair.

On motion of Senator Rupp, **HCS** for **HB 354** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Crowell	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Chappelle-Nadal—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HB 204 was placed on the Informal Calendar.

HB 307 and **HB 812**, with **SCS**, were placed on the Informal Calendar.

HB 798, introduced by Representative Brown (85), **HB 141**, introduced by Representatives Black, et al, **HB 153**, introduced by Representatives Black, et al, **HCS** for **HB 363**, **HB 415**, introduced by Representatives Richardson, et al, and **HB 813**, introduced by Representative Dugger, with **SCS**, entitled respectively:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial bridge.

An Act to repeal section 227.297, RSMo, and to enact in lieu thereof one new section relating to the heroes way interchange designation program.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a highway.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial bridge.

Were taken up by Senator Lembke.

SCS for **HB 798**, **HB 141**, **HB 153**, **HCS** for **HB 363**, **HB 415**, and **HB 813**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 798
HOUSE BILL NO. 141
HOUSE BILL NO. 153
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 363
HOUSE BILL NO. 415
and
HOUSE BILL NO. 813

An Act to repeal section 227.297, RSMo, and to enact in lieu thereof eight new sections relating to the designation of the highway infrastructure system.

Was taken up.

Senator Lembke moved that **SCS** for **HB 798**, **HB 141**, **HB 153**, **HCS** for **HB 363**, **HB 415**, and

HB 813 be adopted, which motion prevailed.

On motion of Senator Lembke, **SCS** for **HB 798**, **HB 141**, **HB 153**, **HCS** for **HB 363**, **HB 415**, and **HB 813** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Lembke, title to the bill was agreed to.

Senator Lembke moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HCS for **HB 338**, entitled:

An Act to amend chapter 392, RSMo, by adding thereto one new section relating to telecommunications.

Was taken up by Senator Lager.

At the request of Senator Lager, **HCS** for **HB 338** was placed on the Informal Calendar.

HB 339, introduced by Representatives Pollock, et al, entitled:

An Act to repeal section 392.460, RSMo, and to enact in lieu thereof one new section relating to telecommunications.

Was taken up by Senator Lager.

Senator Lager offered **SS** for **HB 339**, entitled:

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 339

An Act to repeal section 392.460, RSMo, and to enact in lieu thereof one new section relating to telecommunications.

Senator Lager moved that **SS** for **HB 339** be adopted.

Senator Dixon assumed the Chair.

At the request of Senator Lager, **HB 339**, with **SS** (pending), was placed on the Informal Calendar. **HCS** for **HB 108**, with **SCA 1**, entitled:

An Act to repeal sections 130.031 and 130.036, RSMo, and to enact in lieu thereof two new sections relating to campaign finance, with an existing penalty provision.

Was taken up by Senator Curls.

SCA 1 was taken up.

Senator Curls moved that the above committee amendment be adopted.

At the request of Senator Curls, **HCS** for **HB 108**, with **SCA 1** (pending), was placed on the Informal Calendar.

HB 749, introduced by Representatives Lasater, et al, entitled:

An Act to amend chapters 9 and 10, RSMo, by adding thereto two new sections relating to child abuse prevention.

Was taken up by Senator Brown.

On motion of Senator Brown, **HB 749** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Richard
Ridgeway	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—31	

NAYS—Senator Kraus—1

Absent—Senators

Purgason Rupp—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HB 795, introduced by Representatives Kelley (126), et al, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of school read-in day.

Was taken up by Senator Parson.

On motion of Senator Parson, **HB 795** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Mayer	McKenna	Munzlinger	Parson	Pearce	Purgason	Richard
Schaaf	Schaefer	Schmitt	Stouffer	Wright-Jones—29			

NAYS—Senators

Lembke	Nieves	Ridgeway—3
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Absent—Senators

Rupp	Wasson—2
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Parson, title to the bill was agreed to.

Senator Parson moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HB 307, introduced by Representatives Gatschenberger, et al, and **HB 812**, introduced by Representatives Brattin, et al, with **SCS**, entitled respectively:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to a special license plate.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to a special license plate.

Were called from the Informal Calendar and taken up by Senator Nieves.

SCS for **HB 307** and **HB 812**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 307 and HOUSE BILL NO. 812

An Act to amend chapter 301, RSMo, by adding thereto four new sections relating to special license plates.

Was taken up.

Senator Nieves moved that **SCS** for **HB 307** and **HB 812** be adopted, which motion prevailed.

On motion of Senator Nieves, **SCS** for **HB 307** and **HB 812** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
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Engler	Goodman	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—31	

NAYS—Senator Green—1

Absent—Senators

Ridgeway Rupp—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Nieves, title to the bill was agreed to.

Senator Nieves moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Senator Curls moved that **HCS** for **HB 108**, with **SCA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCA 1 was again taken up.

Senator Curls moved that the above committee amendment be adopted, which motion prevailed.

Senator Crowell offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 108, Page 5, Section 130.031, Lines 143-145, by striking all of said lines and inserting in lieu thereof, the following: “**advertising, and other similar items from a political action committee.**”.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Curls, **HCS** for **HB 108**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Green Rupp—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Curls, title to the bill was agreed to.

Senator Curls moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 42**.

HOUSE CONCURRENT RESOLUTION NO. 42

WHEREAS, the United States Environmental Protection Agency (EPA) has proposed or is proposing numerous new regulations, particularly in the area of air quality and regulation of greenhouse gases, that are likely to have major effects on the economy, jobs, and the competitiveness of the United States in worldwide markets; and

WHEREAS, EPA's regulatory activity as to air quality and greenhouse gases has numerous and overlapping requirements and may have a potentially devastating consequence on the economy; and

WHEREAS, concern is growing that, with Cap-and-Trade legislation having failed in the United States Congress, EPA is attempting to obtain the same results through the adoption of regulations; and

WHEREAS, EPA over-regulation is driving jobs and industry out of the United States; and

WHEREAS, neither EPA nor the Administration has undertaken any comprehensive study of what the cumulative effect that the new regulatory activity will have on the economy, jobs, and competitiveness; and

WHEREAS, EPA has not performed any comprehensive study of what the environmental benefits of its greenhouse gas regulation will be in terms of impacts on global climate; and

WHEREAS, state agencies are routinely required to identify the costs of their regulations and to justify those costs in light of the benefits; and

WHEREAS, since EPA has identified "taking action on climate change and improving air quality" as its first strategic goal for the 2011-15 time period, EPA should be required to identify the specific actions it intends to take to achieve these goals and to assess the total cost of all these actions together; and

WHEREAS, the Missouri General Assembly supports continuing improvements in the quality of the nation's air and believes that such improvements can be made in a sensible fashion without damaging the economy so long as there is a full understanding of the cost of the regulation at issue; and

WHEREAS, the primary goal of government at the present time must be to promote economic recovery and to foster a stable and predictable business environment that will lead to the creation of jobs; and

WHEREAS, public health and welfare will suffer without significant new job creation and economic improvement, because people with good jobs are better able to take care of themselves and their families than the unemployed and because environmental improvement is only possible in a society that generates wealth:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, First Regular Session, the Senate concurring therein, hereby urge the United States Congress to:

(1) Adopt legislation prohibiting EPA, by any means necessary, from regulating greenhouse gas emissions, including defunding EPA greenhouse gas regulatory activities, if necessary;

(2) Impose a moratorium on promulgation of any new air quality regulation by EPA, by any means necessary, except to directly address an imminent health or environmental emergency, for a period of at least two years, including defunding EPA air quality regulatory activities; and

(3) Require the Administration to undertake a study identifying all regulatory activity the EPA intends to undertake in furtherance of its goal of “taking action on climate change and improving air quality” and specifying the cumulative effect of all of these regulations on the economy, jobs, and the economic competitiveness of the United States. The study should be a multi-agency study drawing on the expertise both of EPA and of agencies and departments having expertise in and responsibility for the economy and the electric system and should provide an objective cost-benefit analysis of all the EPA’s current and planned regulation together; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the President of the United States; the Majority and Minority Leaders of the United States House of Representatives and Senate; Lisa P. Jackson, the Administrator of the Environmental Protection Agency; and each member of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 656**, entitled:

An Act to repeal sections 408.500, 408.505, 408.506, and 408.507, RSMo, and to enact in lieu thereof four new sections relating to unsecured loans of five hundred dollars or less, with existing penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HJR 5**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, and adopting one new section relating to the personal right to hunt and fish.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Dempsey, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Ridgeway.

RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 834, regarding Janice M. Bertz, Lexington, which was adopted.

Senator Stouffer offered Senate Resolution No. 835, regarding Thomas R. Corporon, Lexington, which was adopted.

Senator Stouffer offered Senate Resolution No. 836, regarding Evelyn Trigg, Lexington, which was adopted.

Senator Munzlinger offered Senate Resolution No. 837, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Charles Bruner, Downing, which was adopted.

Senator Munzlinger offered Senate Resolution No. 838, regarding the Fiftieth Wedding Anniversary

of Mr. and Mrs. Roy Minor, Palmyra, which was adopted.

Senator Ridgeway offered Senate Resolution No. 839, regarding Dr. Chris Daniels, North Kansas City, which was adopted.

Senator Nieves offered Senate Resolution No. 840, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Paul Raymond Dudley, Pacific, which was adopted.

SENATE BILLS FOR PERFECTION

At the request of Senator Crowell, **SB 408** and **SB 80**, with **SCS**, were placed on the Informal Calendar.

SB 155, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Cunningham, **SB 52** was placed on the Informal Calendar.

SJR 12 was placed on the Informal Calendar.

At the request of Senator Wasson, **SB 326** was placed on the Informal Calendar.

At the request of Senator Kraus, **SB 270**, with **SCS**, was placed on the Informal Calendar.

Senator Wasson moved that **SB 340**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 340**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 340

An Act to repeal sections 333.041, 333.042, 333.051, 333.061, 333.091, 333.151, 333.171, 436.405, 436.412, 436.445, 436.450, 436.455, and 436.456, RSMo, and to enact in lieu thereof thirteen new sections relating to the board of embalmers and funeral directors.

Was taken up.

Senator Wasson moved that **SCS** for **SB 340** be adopted, which motion prevailed.

On motion of Senator Wasson, **SCS** for **SB 340** was declared perfected and ordered printed.

Senator Wright-Jones moved that **SB 48**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 48**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 48

An Act to repeal sections 386.370 and 393.135, RSMo, and to enact in lieu thereof three new sections relating to public utilities.

Was taken up.

Senator Wright-Jones moved that **SCS** for **SB 48** be adopted.

Senator Wright-Jones offered **SS** for **SCS** for **SB 48**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 48

An Act to repeal sections 386.370 and 393.135, RSMo, and to enact in lieu thereof three new sections relating to public utilities.

Senator Wright-Jones moved that **SS** for **SCS** for **SB 48** be adopted.

Senator Kraus offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 48, Page 2, Section 386.370, Line 25 of said page, by striking “twenty-two” and inserting in lieu thereof the following: “**twenty**”.

Senator Kraus moved that the above amendment be adopted.

Senator Crowell raised the point of order that **SCS** and **SS** for **SCS** for **SB 48** are out of order as the bills go beyond the scope and intent of the underlying introduced version of the bill citing the following reasons:

- The **SS** and **SCS** introduce new and unrelated material:
 - Nowhere in the original bill does it contemplate a funding mechanism for an Early Cite Permit nor does the early cite permit related to original intent of deposits required by certain public utilities
 - OPC funding was not contemplated in the original bill nor does it have anything to do with deposits required by certain public utilities
- The original bill intent was specifically for utilities regulated under chapter 393 but the **SS** and **SCS** touch upon utilities that are NOT regulated by chapter 393; instead, telecommunication companies are regulated under chapter 392.
- The **SS** and **SCS** expand a very specific title:
 - Original title was “relating to **deposits required by certain** public utilities”
 - The **SS** and **SCS** change the original intent by expanding to “relating to public utilities”

The point of order was referred to the President Pro Tem who ruled it well taken.

SB 48 was again taken up.

At the request of Senator Wright-Jones, **SB 48** was placed on the Informal Calendar.

HOUSE BILLS ON THIRD READING

HB 182, introduced by Representatives Walton Gray, et al, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of dress in blue for colon cancer awareness day.

Was taken up by Senator Chappelle-Nadal.

Senator Stouffer offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Bill No. 182, Page 1, In the Title, Line 3, by striking all of said line and inserting in lieu thereof the following: “certain public holidays.”; and

Further amend said bill and page, section 9.165, line 4 by inserting after all of said line the following:

“9.172. The first week of November of each year shall be known as “RSV Awareness Week”, so that public officials and the citizens of Missouri are encouraged to observe the week with appropriate activities and educational outreach to parents and the medical community, as well as programs to raise awareness about the causes of, symptoms of, and ways of preventing the respiratory syncytial virus (RSV).”; and

Further amend the title and enacting clause accordingly.

Senator Stouffer moved that the above amendment be adopted.

Senator Chappelle-Nadal raised the point of order that **SA 1** is out of order as it goes beyond the title of the underlying bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

On motion of Senator Chappelle-Nadal, **HB 182** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Curls	Dempsey	Dixon	Goodman	Green
Justus	Keaveny	Kehoe	Lager	Lamping	Lembke	Mayer	McKenna
Munzlinger	Nieves	Parson	Pearce	Richard	Ridgeway	Rupp	Schaaf
Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—29			

NAYS—Senators

Crowell	Cunningham	Engler	Kraus—4
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Absent—Senator Purgason—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Chappelle-Nadal, title to the bill was agreed to.

Senator Chappelle-Nadal moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Senator Stouffer assumed the Chair.

HCS for **HB 556** was placed on the Informal Calendar.

HB 388, with **SCS**, introduced by Representative Burlison, entitled:

An Act to repeal section 376.1250, RSMo, and to enact in lieu thereof one new section relating to patient information provided in advance of certain surgical procedures.

Was taken up by Senator Ridgeway.

SCS for **HB 388**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 388

An Act to repeal section 376.1250, RSMo, and to enact in lieu thereof one new section relating to patient information provided in advance of certain surgical procedures.

Was taken up.

Senator Ridgeway moved that **SCS** for **HB 388** be adopted, which motion prevailed.

On motion of Senator Ridgeway, **SCS** for **HB 388** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Pearce	Purgason	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Kehoe Parson—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Ridgeway, title to the bill was agreed to.

Senator Ridgeway moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HCS for **HB 631**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 557**, entitled:

An Act to repeal sections 630.053 and 630.095, RSMo, and to enact in lieu thereof two new sections relating to the mental health earnings fund.

Was taken up by Senator Brown.

On motion of Senator Brown, **HCS** for **HB 557** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
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Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Purgason—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HB 738, with **SCS**, introduced by Representatives Nasheed, et al, entitled:

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to student study plans.

Was taken up by Senator Cunningham.

SCS for **HB 738**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 738

An Act to repeal sections 168.124 and 168.221, RSMo, and to enact in lieu thereof five new sections relating to elementary and secondary education.

Was taken up.

Senator Cunningham moved that **SCS** for **HB 738** be adopted.

At the request of Senator Cunningham, **HB 738**, with **SCS** (pending), was placed on the Informal Calendar.

HCS for **HB 631**, with **SCS**, entitled:

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to designation of tax refunds to the developmental disabilities waiting list equity trust fund.

Was called from the Informal Calendar and taken up by Senator Lager.

SCS for **HCS** for **HB 631**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 631

An Act to amend chapter 143, RSMo, by adding thereto two new sections relating to designation of tax

refunds to certain funds.

Was taken up.

Senator Lager moved that **SCS** for **HCS** for **HB 631** be adopted, which motion prevailed.

On motion of Senator Lager, **SCS** for **HCS** for **HB 631** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators

Crowell Lembke—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Lager, title to the bill was agreed to.

Senator Lager moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Wright-Jones moved that **SB 48** be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

On motion of Senator Wright-Jones, **SB 48** was declared perfected and ordered printed.

Senator Kraus moved that **SB 270**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 270**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 270

An Act to repeal section 115.123, RSMo, and to enact in lieu thereof one new section relating to dates for conducting elections.

Was taken up.

Senator Kraus moved that **SCS** for **SB 270** be adopted, which motion prevailed on a standing division vote.

Senator Kraus moved that **SCS** for **SB 270** be declared perfected and ordered printed.

Senator Engler requested a roll call vote be taken on the perfection motion and was joined in his request by Senators Crowell, Dempsey, Kehoe and Green.

SCS for **SB 270** was declared perfected and ordered printed by the following vote:

YEAS—Senators

Brown	Crowell	Cunningham	Dempsey	Dixon	Goodman	Green	Keaveny
Kraus	Lager	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson
Richard	Ridgeway	Rupp	Schaaf	Stouffer	Wasson—22		

NAYS—Senators

Callahan	Chappelle-Nadal	Curls	Engler	Justus	Kehoe	Lamping	Pearce
Schaefer	Schmitt	Wright-Jones—11					

Absent—Senator Purgason—1

Absent with leave—Senators—None

Vacancies—None

Senator Green moved that **SJR 12** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

At the request of Senator Green, **SJR 12** was placed on the Informal Calendar.

Senator Nieves moved that **SJR 15** be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Nieves offered **SS** for **SJR 15**, entitled:

SENATE SUBSTITUTE FOR
SENATE JOINT RESOLUTION NO. 15

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, relating to state sovereignty.

Senator Nieves moved that **SS** for **SJR 15** be adopted.

At the request of Senator Nieves, **SJR 15**, with **SS** (pending), was placed on the Informal Calendar.

Senator Green moved that **SJR 12** be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Green offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Joint Resolution No. 12, Page 1, Section 8, Line 1, by striking all of the underlined words on said line; and further amend line 2 by inserting immediately before the word “eight” an opening bracket “[”; and further amend said line by inserting immediately after the word “eight” the following: “[sixteen”; and further amend lines 3-8 by striking all of the underlined words on said lines.

Senator Green moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Green, **SJR 12**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 48**; **SCS** for **SB 270**; and **SCS** for **SB 340**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HCS** for **HB 14** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 14**.

INTRODUCTIONS OF GUESTS

Senator Lamping introduced to the Senate, the Physician of the Day, Dr. Jeffery L. Craver, M.D., Clayton.

Senator Crowell introduced to the Senate, Laura Bray and eighth grade students from Immaculate Conception School, Jackson; and Kim Kasten was made an honorary page.

On behalf of Senator Dixon, the President introduced to the Senate, Edin Cruz, Sara Borden and fourth grade students from New Covenant Academy, Springfield.

Senator Justus introduced to the Senate, Mayor-elect Sly James, Kansas City.

Senator Nieves introduced to the Senate, Linda Garcia, parents and fifteen fifth and sixth grade students from St. Ignatius of Loyola School, Marthasville.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-FIFTH DAY—WEDNESDAY, APRIL 20, 2011

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HBs 300, 334 & 387
HB 656-Brandom

HCS for HJR 5

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna
(In Fiscal Oversight)

SJR 10-Lembke and Green
(In Fiscal Oversight)

SB 204-Dempsey, et al
(In Fiscal Oversight)

SCS for SB 122-Schaaf
(In Fiscal Oversight)

SS#2 for SCS for SB 320-Lamping
(In Fiscal Oversight)

SB 48-Wright-Jones

SCS for SB 270-Kraus

SCS for SB 340-Wasson

SENATE BILLS FOR PERFECTION

1. SB 260-Wasson, with SCS
2. SB 425-Goodman, with SCS
3. SB 400-Kraus, with SCS
4. SB 392-Rupp, with SCS
5. SB 403-Nieves
6. SB 329-Nieves
7. SB 353-Engler

8. SJR 16-Goodman, with SCS
9. SB 391-Lager
10. SB 253-Callahan and Cunningham, with SCS
11. SB 223-Mayer
12. SB 119-Schaefer
13. SB 150-Munzlinger

HOUSE BILLS ON THIRD READING

1. HB 270-Burlison and Swinger, with SCS
(Dempsey) (In Fiscal Oversight)
2. HCS for HBs 73 & 47, with SCS
(Crowell) (In Fiscal Oversight)
3. HCS for HBs 116 & 316, with SCS
(Purgason) (In Fiscal Oversight)
4. HB 229-Curls and Leara (Curls)
5. HB 142-Gatschenberger, with SCS
(Dempsey)
6. HB 186-Entlicher, et al, with SCS
(Parson)
7. HCS for HB 1 (Schaefer)

8. HCS for HB 2, with SCS (Schaefer)
9. HCS for HB 3, with SCS (Schaefer)
10. HCS for HB 4, with SCS (Schaefer)
11. HCS for HB 5, with SCS (Schaefer)
12. HCS for HB 6, with SCS (Schaefer)
13. HCS for HB 7, with SCS (Schaefer)
14. HCS for HB 8, with SCS (Schaefer)
15. HCS for HB 9, with SCS (Schaefer)
16. HCS for HB 10, with SCS (Schaefer)
17. HCS for HB 11, with SCS (Schaefer)
18. HCS for HB 12, with SCS (Schaefer)
19. HCS for HB 13, with SCS (Schaefer)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SS for SB 231-Lager

SENATE BILLS FOR PERFECTION

SBs 1 & 206-Ridgeway, with SCS & SA 1
(pending)
SBs 7, 5, 74 & 169-Goodman, with SCS
SB 10-Rupp
SB 23-Keaveny, with SCS & SS for SCS
(pending)
SB 25-Schaaf, with SCS & SS for SCS
(pending)
SB 28-Brown
SB 37-Lembke, with SCS
SB 52-Cunningham
SB 72-Kraus, with SS (pending)
SBs 88 & 82-Schaaf, with SCS & SA 1
(pending)
SB 120-Stouffer, with SS (pending)
SB 130-Rupp, with SCS & SS for SCS
(pending)
SB 155-Rupp, with SCS
SB 175-Munzlinger, et al, with SA 1
(pending)
SB 176-Munzlinger, et al
SBs 189, 217, 246, 252 & 79-Schmitt,
with SCS

SB 200-Crowell
SB 203-Schmitt, et al, with SS (pending)
SB 208-Lager
SB 209-Lager
SB 228-Pearce
SB 242-Cunningham, with SCS & SS for SCS
(pending)
SB 247-Pearce, with SS (pending)
SB 264-Rupp, with SCS
SB 278-Munzlinger, et al
SB 280-Purgason, et al, with SCS & SS
for SCS (pending)
SBs 291, 184 & 294-Pearce, with SCS &
SA 4 (pending)
SB 299-Munzlinger, with SCS (pending)
SB 326-Wasson
SBs 369 & 370-Cunningham, with SCS
SB 390-Schmitt, et al
SBs 408 & 80-Crowell, with SCS
SB 420-Mayer, with SCS
SJR 11-Munzlinger, with SCS
SJR 15-Nieves, et al, with SS (pending)

HOUSE BILLS ON THIRD READING

HCS for HB 61
HB 71-Nasheed, et al
HB 204-Hoskins, et al (Stouffer)
HCS for HB 338 (Lager)
HB 339-Pollock, et al, with SS (pending)
(Lager)

HB 423-Burlison, et al (Nieves)
HCS for HB 556
HB 738-Nasheed, et al, with SCS
(pending) (Cunningham)

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

Requests to Recede or Grant Conference

HCS for HB 193, with SS (Rupp) (House
requests Senate recede or grant conference)

RESOLUTIONS

Reported from Committee

SR 179-Purgason
SCR 11-Wright-Jones

HCR 15-Brown (50), et al (Curls)

To be Referred

HCR 42-Funderburk, et al

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Journal of the Senate

FIRST REGULAR SESSION

FIFTY-FIFTH DAY—WEDNESDAY, APRIL 20, 2011

The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

“The fear of the Lord is the beginning of Wisdom.” (Psalm 111:10)

Almighty God, we know that we live in a time where human knowledge expands at an ever faster rate. But we have also learned that knowledge is certainly different than wisdom. Wisdom comes from learning from our mistakes and mistakes of others. So give us humility to acknowledge to You our failures and repentance in them and learn to not do them again. And provide us guidance as we deal with complex issues and challenges that come before us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Dempsey announced that photographers from Missouri News Horizon, Edward Jones and members of Senator Engler’s staff were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Munzlinger offered Senate Resolution No. 841, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bill Bushnell, Green City, which was adopted.

Senator Schmitt offered the following resolution:

SENATE RESOLUTION NO. 842

WHEREAS, the Missouri Senate recognizes the importance of empowering citizens to actively participate in the democratic process; and

WHEREAS, the Missouri Senate has a long tradition of rendering assistance to those organizations that sponsor projects in the interest of good citizenship; and

WHEREAS, the 2011 Missouri Youth Leadership Forum for Students with Disabilities, sponsored by the Governor's Council on Disability and the Missouri Planning Council for Developmental Disabilities, is an educational experience in state government for high school juniors and seniors with disabilities by allowing such youth to participate in the democratic process:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-sixth General Assembly, hereby grant the 2011 Missouri Youth Leadership Forum for Students with Disabilities permission to use the Senate Chamber on Tuesday, July 26, 2011, from 12:30 p.m. to 3:30 p.m. for the purpose of holding a mock legislative session.

Senator Schmitt requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 842** up for adoption, which request was granted.

On motion of Senator Schmitt, **SR 842** was adopted.

REPORTS OF STANDING COMMITTEES

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SJR 12**, begs leave to report that it has examined the same and finds that the joint resolution has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Mayer referred **HCR 42** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Mayer referred **SJR 12** to the Committee on Ways and Means and Fiscal Oversight.

HOUSE BILLS ON THIRD READING

HCS for **HB 1**, entitled:

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund, and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2011 and ending June 30, 2012; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of

State, State Auditor, State Treasurer, or Attorney General.

Was taken up by Senator Schaefer.

On motion of Senator Schaefer, **HCS** for **HB 1** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Parson—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HCS for **HB 2**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2011 and ending June 30, 2012; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up by Senator Schaefer.

SCS for **HCS** for **HB 2**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2011 and ending June 30, 2012; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State

Treasurer, or Attorney General.

Was taken up.

Senator Kehoe assumed the Chair.

Senator Schaefer moved that **SCS** for **HCS** for **HB 2** be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS** for **HCS** for **HB 2** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Goodman
Green	Justus	Keaveny	Kehoe	Lager	Lamping	Lembke	Mayer
McKenna	Munzlinger	Parson	Pearce	Richard	Ridgeway	Rupp	Schaaf
Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—29			

NAYS—Senators

Crowell	Kraus	Nieves	Purgason—4
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Absent—Senator Engler—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HCS for **HB 3**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2011 and ending June 30, 2012; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up by Senator Schaefer.

SCS for **HCS** for **HB 3**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 3

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of

Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2011 and ending June 30, 2012; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up.

Senator Schaefer moved that **SCS** for **HCS** for **HB 3** be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS** for **HCS** for **HB 3** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators

Crowell Purgason—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

On motion of Senator Dempsey, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kinder.

RESOLUTIONS

Senator Goodman offered Senate Resolution No. 843, regarding the One Hundred First Birthday of Vada Ottendorf, Marionville, which was adopted.

Senator Green offered Senate Resolution No. 844, regarding Robert G. Lowery, Sr., Florissant, which was adopted.

Senator Dixon offered Senate Resolution No. 845, regarding Ed Hirsch, Springfield, which was adopted.

Senator Munzlinger offered Senate Resolution No. 846, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Joseph Miles, Monroe City, which was adopted.

Senator Munzlinger offered Senate Resolution No. 847, regarding Ken Schuetz, which was adopted.

Senator Callahan offered Senate Resolution No. 848, regarding Rufus Little, which was adopted.

Senators Callahan and Green offered Senate Resolution No. 849, regarding the One Hundredth Anniversary of Pipefitters Local Union No. 533, Kansas City, which was adopted.

Senator Kehoe offered Senate Resolution No. 850, regarding Jefferson City Academic Center, which was adopted.

Senator Dixon offered Senate Resolution No. 851, regarding the One Hundredth Birthday of Mary W. Aull, Springfield, which was adopted.

PRIVILEGED MOTIONS

Senator Rupp moved that the Senate refuse to recede from its position on **SS** for **HCS** for **HB 193** and grant the House a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 4**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, Department of Transportation and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2011 and ending June 30, 2012; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up by Senator Schaefer.

SCS for **HCS** for **HB 4**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 4

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, Department of Transportation and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2011 and ending June 30, 2012; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up.

Senator Schmitt assumed the Chair.

Senator Schaefer moved that **SCS** for **HCS** for **HB 4** be adopted.

Senator Lembke offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 4, Page 14, Section 4.485, Lines 1-15, by striking said section from the bill; and amend section and bill totals accordingly.

Senator Lembke moved that the above amendment be adopted, which motion failed.

Senator Schaefer moved that **SCS** for **HCS** for **HB 4** be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS** for **HCS** for **HB 4** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Lager	Lamping	Mayer	McKenna
Pearce	Richard	Ridgeway	Rupp	Schaefer	Schmitt	Stouffer	Wasson
Wright-Jones—25							

NAYS—Senators

Crowell	Kraus	Lembke	Nieves	Purgason	Schaaf—6
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Absent—Senators

Kehoe	Munzlinger	Parson—3
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HCS for **HB 5**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Conservation, the Department of Public Safety, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2011 and ending June 30, 2012; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up by Senator Schaefer.

SCS for **HCS** for **HB 5**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 5

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Conservation, the Department of Public Safety, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2011 and ending June 30, 2012; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up.

Senator Schaefer moved that **SCS** for **HCS** for **HB 5** be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS** for **HCS** for **HB 5** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Lager	Lamping	Mayer
McKenna	Pearce	Richard	Ridgeway	Rupp	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—26						

NAYS—Senators

Crowell	Kraus	Lembke	Nieves	Purgason	Schaaf—6
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Absent—Senators

Munzlinger	Parson—2
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HCS for **HB 6**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article

IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2011 and ending June 30, 2012; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up by Senator Schaefer.

SCS for **HCS** for **HB 6**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 6

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2011 and ending June 30, 2012; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up.

Senator Schaefer moved that **SCS** for **HCS** for **HB 6** be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS** for **HCS** for **HB 6** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Lager	Lamping	Mayer
McKenna	Pearce	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt
Stouffer	Wasson	Wright-Jones—27					

NAYS—Senators

Crowell	Kraus	Lembke	Nieves	Purgason—5
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Absent—Senators

Munzlinger	Parson—2
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HCS for **HB 7**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2011 and ending June 30, 2012; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up by Senator Schaefer.

SCS for **HCS** for **HB 7**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 7

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2011 and ending June 30, 2012; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up.

Senator Schaefer moved that **SCS** for **HCS** for **HB 7** be adopted.

Senator Schaefer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 7, Page 11, Section 7.410, Lines 1-4, by deleting said section from the bill; and

Further amend bill totals accordingly.

Senator Schaefer moved that the above amendment be adopted, which motion prevailed.

Senator Schaefer moved that **SCS** for **HCS** for **HB 7**, as amended, be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS** for **HCS** for **HB 7**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Mayer	McKenna	Nieves	Pearce	Richard	Ridgeway	Rupp	Schaefer

Schmitt Stouffer Wasson Wright-Jones—28

NAYS—Senators

Crowell Lembke Purgason Schaaf—4

Absent—Senators

Munzlinger Parson—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HCS for **HB 8**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2011 and ending June 30, 2012.

Was taken up by Senator Schaefer.

SCS for **HCS** for **HB 8**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 8

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2011 and ending June 30, 2012.

Was taken up.

Senator Schaefer moved that **SCS** for **HCS** for **HB 8** be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS** for **HCS** for **HB 8** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Mayer	McKenna	Nieves	Pearce	Richard	Ridgeway	Rupp	Schaaf
Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—29			

NAYS—Senators

Crowell Lembke—2

Absent—Senators

Munzlinger Parson Purgason—3

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HCS for **HB 9**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2011 and ending June 30, 2012; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up by Senator Schaefer.

SCS for **HCS** for **HB 9**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 9

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2011 and ending June 30, 2012; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up.

Senator Schaefer moved that **SCS** for **HCS** for **HB 9** be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS** for **HCS** for **HB 9** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping

Mayer	McKenna	Nieves	Pearce	Richard	Ridgeway	Rupp	Schaaf
Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—29			

NAYS—Senators

Crowell	Lembke	Purgason—3
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Absent—Senators

Munzlinger	Parson—2
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HCS for HB 10, with SCS, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Department of Health and Senior Services, and the several divisions and programs thereof, and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2011 and ending June 30, 2012; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up by Senator Schaefer.

SCS for HCS for HB 10, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 10

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Department of Health and Senior Services, and the several divisions and programs thereof, and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2011 and ending June 30, 2012; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up.

Senator Schaefer moved that **SCS for HCS for HB 10** be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS for HCS for HB 10** was read the 3rd time and passed by the

following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Lager	Lamping	Mayer
McKenna	Munzlinger	Nieves	Parson	Pearce	Richard	Ridgeway	Rupp
Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—29			

NAYS—Senators

Crowell	Kraus	Lembke	Purgason	Schaaf—5
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mayer appointed the following conference committee to act with a like committee from the House on **SS** for **HCS** for **HB 193**: Senators Rupp, Crowell, Lager, Callahan and Wright-Jones.

HOUSE BILLS ON THIRD READING

HCS for **HB 11**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2011 and ending June 30, 2012; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up by Senator Schaefer.

Senator Pearce assumed the Chair.

SCS for **HCS** for **HB 11**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 11

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social

Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2011 and ending June 30, 2012; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up.

Senator Schaefer moved that **SCS** for **HCS** for **HB 11** be adopted.

Senator Schaaf offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 11, Page 24, Section 11.505, Line 4, by deleting said line from the bill; and

further amend section and bill totals accordingly.

Senator Schaaf moved that the above amendment be adopted, which motion failed.

Senator Lembke offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 11, Page 17, Section 11.420, Lines 10-11, by striking said lines from the bill;

and further amend section and bill totals accordingly.

Senator Lembke moved that the above amendment be adopted, which motion failed.

Senator Schaefer moved that **SCS** for **HCS** for **HB 11** be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS** for **HCS** for **HB 11** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Lager	Lamping	Mayer
McKenna	Munzlinger	Parson	Pearce	Richard	Ridgeway	Rupp	Schaefer
Schmitt	Stouffer	Wasson	Wright-Jones—28				

NAYS—Senators

Crowell	Kraus	Lembke	Nieves	Purgason	Schaaf—6
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HCS for HB 12, with SCS, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2011 and ending June 30, 2012.

Was taken up by Senator Schaefer.

SCS for HCS for HB 12, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 12**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2011 and ending June 30, 2012.

Was taken up.

Senator Schaefer moved that **SCS for HCS for HB 12** be adopted.

Senator Lembke offered **SA 1:**

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 12, Page 12, Section 12.345, Line 8, by striking the number "\$125,006,658" and inserting in lieu thereof the following number "\$120,006,658" and

amend section and bill totals accordingly

Senator Lembke moved that the above amendment be adopted, which motion failed.

Senator Schaefer moved that **SCS** for **HCS** for **HB 12** be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS** for **HCS** for **HB 12** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Richard	Ridgeway
Rupp	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—30		

NAYS—Senators

Crowell	Lembke	Purgason	Schaaf—4
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HCS for **HB 13**, with **SCS**, entitled:

An Act to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2011 and ending June 30, 2012; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up by Senator Schaefer.

SCS for **HCS** for **HB 13**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 13

An Act to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of

Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2011 and ending June 30, 2012; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up.

Senator Schaefer moved that **SCS** for **HCS** for **HB 13** be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS** for **HCS** for **HB 13** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Richard	Ridgeway
Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—31	

NAYS—Senators

Crowell	Lembke	Purgason—3
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker appoints the following conference committee to act with a like committee from the Senate on **SS** for **HCS** for **HB 193**: Representatives Diehl, Cox, Loehner, Hubbard and Nasheed.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 661**, entitled:

An Act to repeal sections 425.010, 425.020, 425.025, 425.027, and 425.040, RSMo, and to enact in lieu thereof six new sections relating to debt adjusters, with an existing penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1008**, entitled:

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to highway infrastructure improvement agreements.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 708**, entitled:

An Act to amend chapter 1, RSMo, by adding thereto one new section relating to choice of law.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 828**, entitled:

An Act to repeal sections 290.210 and 290.220, RSMo, and to enact in lieu thereof two new sections relating to prevailing wages on public works projects, with an emergency clause.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

INTRODUCTIONS OF GUESTS

Senator Schaefer introduced to the Senate, Nancy Donohoo, Katherine Joslin, Penny Bemus, Jennifer Thorn, Allison Englander, Cari Wegge, Cheryl Hughes, Lisa Chill, Ryan Wittington, Claire Schenk, Kathleen Whaley and Joy Haven, representatives of Health Care Business Women's Association.

Senator Brown introduced to the Senate, Gary Young, Tim Belshe and twenty-four eleventh grade students from Waynesville High School.

Senator Dempsey introduced to the Senate, Major Lonneal Richardson, Division Commander of the Midland Division and Major Charles Smith, Division Commander of the Western Missouri/Kansas Division, representatives of the Salvation Army.

Senator Schmitt introduced to the Senate, Missouri Teacher of the Year, Bob Becker, Kirkwood.

Senator Munzlinger introduced to the Senate, Dennis Miller, Emily and Dana Marshall, Dana, Samuel and Kevin Head and Mikaela Ann Myers, Homeschoolers from Kirksville.

Senator Justus introduced to the Senate, Elaine Forrest, Kelly Smith Scott, Joan LaBelle and Michelle Krajewski, representatives of the Whole Person-Center for Independent Living, Kansas City.

Senator Engler introduced to the Senate, Jim Meddle and Pat Jones, and representatives of Edward

Jones.

Senator McKenna introduced to the Senate, former State Senator Delbert Scott, Lowry City.

Senator Green introduced to the Senate, Principal Shane Opper, Coach Randy Reed, Assistants Steve Lee, Trevor Laney, Patrick Dougherty and members of the Class 5 State Champion McCluer North High School boys basketball team, B.J. Young, Caleb Bush, Tephon Lindsey, Toye Okunrinboye, Keaton Turner, Byron Ray, Latron Thomas, Jacari Finley, Damian Clemons, Tremayne Garrett, Galen Brown, Jordon Granger, Marcus Blair and Keith Jones, Florissant.

Senator Wright-Jones introduced to the Senate, Coleen Starkloff and Shawn D'Abreu, representatives of Paraquad, St. Louis.

On behalf of Senator Pearce, the President introduced to the Senate, Dr. Robert Tait, Grandview.

Senator Ridgeway introduced to the Senate, 2011 National Distinguished Principal, Dr. Chris Daniels, his wife, Rochel and their sons, Quinn and Creighton, North Kansas City.

Senator Richard introduced to the Senate, representatives of Southwest Missouri Pachyderms.

Senator Purgason introduced to the Senate, the Physician of the Day, Dr. Jenny Powell, M.D. and her husband Wes, Lebanon.

Senator Keaveny introduced to the Senate, MP Ismail Ozgun, MP Mehmet Salin Erdogan, Chief of Staff Ibrahim Tutar and Director Aydin Danaci, Niagara Foundation-Missouri.

Senator Green introduced to the Senate, Principal Tom Henke, Rose Sigeas, parents and forty eighth grade students from St. Rose Philippine Duchesne School, Florissant; and Drew Mudd, Sydney Fischer, Bria Paxton and Sam Wiesler were made honorary pages.

Senator Wright-Jones introduced to the Senate, teachers, parents and fourth, fifth and sixth grade students from Soulard School, St. Louis.

Senator Chappelle-Nadal introduced to the Senate, Laura Wachsmuth, Chris Rensink and twenty fourth, fifth and sixth grade students from The Freedom School, University City; and Deeja Austell and Claude Gray were made honorary pages.

Senator Goodman introduced to the Senate, Kurt McDonald and Taylor Short, Josh Smith, Kyle Brack, Michah Zivkovich and Bret Williams, representatives of College of the Ozarks Young Republicans.

Senator Schaaf introduced to the Senate, eighth grade students from St. Therese, Parkville; and Jackson Johannes, Emma Ehlers and Emily Nissen were made honorary pages.

Senator Munzlinger introduced to the Senate, his wife Michele, Lewistown; and Mr. and Mrs. Jeff Otto, Novelty.

Senator Kehoe introduced to the Senate, Julie Allen, her husband Les Fortenberry and their son, Allen, Jefferson City.

Senator Dixon introduced to the Senate, Royce Reding and Mavis Busick, Springfield.

Senator Stouffer introduced to the Senate, students representing Pilot Grove FFA.

Senator Stouffer introduced to the Senate, students representing Boonville FFA.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-SIXTH DAY—THURSDAY, APRIL 21, 2011

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HBs 300, 334 & 387
HB 656-Brandom, et al
HCS for HJR 5
HB 661-Wells, et al

HB 1008-Long, et al
HB 708-Curtman, et al
HCS for HB 828

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna (In Fiscal Oversight)
SJR 10-Lembke and Green (In Fiscal Oversight)
SB 204-Dempsey, et al (In Fiscal Oversight)
SCS for SB 122-Schaaf (In Fiscal Oversight)
SS#2 for SCS for SB 320-Lamping
(In Fiscal Oversight)

SB 48-Wright-Jones
SCS for SB 270-Kraus
SCS for SB 340-Wasson
SJR 12-Green (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 260-Wasson, with SCS
2. SB 425-Goodman, with SCS
3. SB 400-Kraus, with SCS
4. SB 392-Rupp, with SCS
5. SB 403-Nieves
6. SB 329-Nieves
7. SB 353-Engler

8. SJR 16-Goodman, with SCS
9. SB 391-Lager
10. SB 253-Callahan and Cunningham, with SCS
11. SB 223-Mayer
12. SB 119-Schaefer
13. SB 150-Munzlinger

HOUSE BILLS ON THIRD READING

HB 270-Burlison and Swinger, with SCS
(Dempsey) (In Fiscal Oversight)

HCS for HBs 73 & 47, with SCS (Crowell)
(In Fiscal Oversight)

HCS for HBs 116 & 316, with SCS (Purgason)
 (In Fiscal Oversight)
 HB 229-Curls and Leara (Curls)

HB 142-Gatschenberger, with SCS (Dempsey)
 HB 186-Entlicher, et al, with SCS (Parson)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SS for SB 231-Lager

SENATE BILLS FOR PERFECTION

SBs 1 & 206-Ridgeway, with SCS & SA 1
 (pending)

SBs 7, 5, 74 & 169-Goodman, with SCS

SB 10-Rupp

SB 23-Keaveny, with SCS & SS for SCS
 (pending)

SB 25-Schaaf, with SCS & SS for SCS
 (pending)

SB 28-Brown

SB 37-Lembke, with SCS

SB 52-Cunningham

SB 72-Kraus, with SS (pending)

SBs 88 & 82-Schaaf, with SCS & SA 1
 (pending)

SB 120-Stouffer, with SS (pending)

SB 130-Rupp, with SCS & SS for SCS
 (pending)

SB 155-Rupp, with SCS

SB 175-Munzlinger, et al, with SA 1 (pending)

SB 176-Munzlinger, et al

SBs 189, 217, 246, 252 & 79-Schmitt, with SCS

SB 200-Crowell

SB 203-Schmitt, et al, with SS (pending)

SB 208-Lager

SB 209-Lager

SB 228-Pearce

SB 242-Cunningham, with SCS & SS for SCS
 (pending)

SB 247-Pearce, with SS (pending)

SB 264-Rupp, with SCS

SB 278-Munzlinger, et al

SB 280-Purgason, et al, with SCS & SS for SCS
 (pending)

SBs 291, 184 & 294-Pearce, with SCS & SA 4
 (pending)

SB 299-Munzlinger, with SCS (pending)

SB 326-Wasson

SBs 369 & 370-Cunningham, with SCS

SB 390-Schmitt, et al

SBs 408 & 80-Crowell, with SCS

SB 420-Mayer, with SCS

SJR 11-Munzlinger, with SCS

SJR 15-Nieves, et al, with SS (pending)

HOUSE BILLS ON THIRD READING

HCS for HB 61

HB 71-Nasheed, et al

HB 204-Hoskins, et al (Stouffer)

HCS for HB 338 (Lager)

HB 339-Pollock, et al, with SS (pending)
(Lager)

HB 423-Burlison, et al (Nieves)

HCS for HB 556

HB 738-Nasheed, et al, with SCS (pending)
(Cunningham)

**BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES**

In Conference

HCS for HB 193, with SS (Rupp)

RESOLUTIONS

Reported from Committee

SR 179-Purgason
SCR 11-Wright-Jones

HCR 15-Brown (50), et al (Curls)

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Journal of the Senate

FIRST REGULAR SESSION

FIFTY-SIXTH DAY—THURSDAY, APRIL 21, 2011

The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

“Gracious God, help us this day to see this weekend away from the Senate as more than an extra day thrown in but a time that permits us to know the gift of Your love for each of us and the gift of life beyond life that You have in store for us. Turn our thoughts to the promise of new life daily and its meaning so we might do more good with our life each day. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Dempsey announced that photographers from Missouri News Horizon and KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

RESOLUTIONS

Senator Curls offered Senate Resolution No. 852, regarding Molly Buasri, Kansas City, which was adopted.

Senator Crowell offered Senate Resolution No. 853, regarding Dennis Wilson, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 854, regarding Julia Unnerstall, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 855, regarding Kristin Gill, Dexter, which was adopted.

Senator Crowell offered Senate Resolution No. 856, regarding Janet Brase, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 857, regarding Steven J. Hoffman, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 858, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Albert Walther, Jackson, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Mayer, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Mary Sharlene Morgan, as a member of the Well Installation Board;

Also,

Ted Hunt, as a member of the Crime Laboratory Review Commission;

Also,

Eric Latimer, as a member of the Missouri Fire Safety Advisory Board;

Also,

Cecilia Davis, as a member of the Child Abuse and Neglect Review Board;

Also,

Thomas McVeigh, as a member of the Missouri Planning Council for Developmental Disabilities.

Senator Mayer requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Mayer moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

Senator Purgason, Chairman of the Committee on Ways and Means and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Ways and Means and Fiscal Oversight, to which were referred **SS No. 2** for **SCS** for **SB 320**; **SJR 10**; **HCS** for **HBs 73** and **47**, with **SCS**; **HB 270**, with **SCS**; and **HCS** for **HBs 116** and **36**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills and joint resolution do pass.

THIRD READING OF SENATE BILLS

SJR 10, introduced by Senators Lembke, Green and Dixon, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 2 and 9 of article III of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to members of the House of Representatives.

Was taken up by Senator Lembke.

On motion of Senator Lembke, **SJR 10** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler	Goodman
Green	Keaveny	Kehoe	Kraus	Lamping	Lembke	Mayer	McKenna
Nieves	Pearce	Schmitt	Stouffer	Wasson—21			

NAYS—Senators

Callahan	Curls	Justus	Lager	Munzlinger	Parson	Purgason	Richard
Ridgeway	Schaaf	Schaefer	Wright-Jones—12				

Absent—Senator Rupp—1

Absent with leave—Senators—None

Vacancies—None

The President declared the joint resolution passed.

On motion of Senator Lembke, title to the joint resolution was agreed to.

Senator Lembke moved that the vote by which the joint resolution passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SS No. 2 for **SCS** for **SB 320**, introduced by Senator Lamping, entitled:

SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 320

An Act to repeal sections 43.545, 211.031, 452.375, 455.010, 455.020, 455.027, 455.035, 455.038, 455.040, 455.050, 455.060, 455.085, 455.200, 455.501, 455.505, 455.513, 455.516, 455.520, 455.523, 455.538, 455.540, 455.543, 527.290, 565.074, 589.683, 595.100, and 595.220, RSMo, and to enact in lieu thereof twenty-seven new sections relating to domestic violence, with penalty provisions.

Was taken up.

On motion of Senator Lamping, **SS No. 2** for **SCS** for **SB 320** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Rupp—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Lamping, title to the bill was agreed to.

Senator Lamping moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SB 48, introduced by Senator Wright-Jones, entitled:

An Act to amend chapter 393, RSMo, by adding thereto one new section relating to deposits required by public utilities.

Was taken up.

On motion of Senator Wright-Jones, **SB 48** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Rupp—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wright-Jones, title to the bill was agreed to.

Senator Wright-Jones moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SCS for SB 270, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 270

An Act to repeal section 115.123, RSMo, and to enact in lieu thereof one new section relating to dates for conducting elections.

Was taken up by Senator Kraus.

On motion of Senator Kraus, **SCS for SB 270** was read the 3rd time and passed by the following vote:

YEAS—Senators

Crowell	Cunningham	Dempsey	Dixon	Engler	Goodman	Green	Kehoe
Kraus	Lager	Lembke	Mayer	McKenna	Nieves	Purgason	Ridgeway
Schaaf	Stouffer	Wasson—19					

NAYS—Senators

Brown	Callahan	Chappelle-Nadal	Curls	Justus	Keaveny	Lamping	Munzlinger
Parson	Pearce	Richard	Schaefer	Schmitt	Wright-Jones—14		

Absent—Senator Rupp—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Kraus, title to the bill was agreed to.

Senator Kraus moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SCS for SB 340, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 340

An Act to repeal sections 333.041, 333.042, 333.051, 333.061, 333.091, 333.151, 333.171, 436.405, 436.412, 436.445, 436.450, 436.455, and 436.456, RSMo, and to enact in lieu thereof thirteen new sections relating to the board of embalmers and funeral directors.

Was taken up by Senator Wasson.

On motion of Senator Wasson, **SCS for SB 340** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Rupp—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

CONCURRENT RESOLUTIONS**SCR 11**, introduced by Senator Wright-Jones, entitled:**SENATE CONCURRENT RESOLUTION NO. 11**

Relating to the recognition of every third week in June as Diabetic Peripheral Neuropathy Week

Was taken up for 3rd reading and final passage.

On motion of Senator Wright-Jones, **SCR 11** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Crowell Rupp—2

Absent with leave—Senators—None

Vacancies—None

The President declared the concurrent resolution passed.

On motion of Senator Wright-Jones, title to the concurrent resolution was agreed to.

Senator Wright-Jones moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

President Pro Tem Mayer assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Engler, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 84**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS for HB 83**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 109**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS for HB 136**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 149**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 217**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS for HB 220**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 465**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 550**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 45**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Cunningham, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **HJR 2**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HB 442**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Pearce, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 14**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Lembke, Chairman of the Committee on Governmental Accountability, submitted the following report:

Mr. President: Your Committee on Governmental Accountability, to which was referred **HB 137**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Munzlinger, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HCS** for **HBs 112** and **285**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 11**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 34**, begs leave to report that it has considered the same and recommends that the concurrent resolution

do pass.

Senator Pearce assumed the Chair.

HOUSE BILLS ON SECOND READING

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

HCS for **HBs 300, 334 and 387**—Health, Mental Health, Seniors and Families.

HB 656—Commerce, Consumer Protection, Energy and the Environment.

HCS for **HJR 5**—Agriculture, Food Production and Outdoor Resources.

HB 661—Financial and Governmental Organizations and Elections.

HB 1008—Transportation.

HB 708—Judiciary and Civil and Criminal Jurisprudence.

HCS for **HB 828**—Small Business, Insurance and Industry.

On motion of Senator Dempsey, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Mayer.

RESOLUTIONS

Senator Lager offered Senate Resolution No. 859, regarding Chillicothe Middle School, which was adopted.

Senator Lager offered Senate Resolution No. 860, regarding Colton R. Shaw, Trenton, which was adopted.

Senator Lager offered Senate Resolution No. 861, regarding Michael A. Witten, Trenton, which was adopted.

Senator Dixon offered Senate Resolution No. 862, regarding High Street Baptist Church, Springfield, which was adopted.

Senator Rupp offered Senate Resolution No. 863, regarding Troy Buchanan High School, which was adopted.

Senator Rupp offered Senate Resolution No. 864, regarding Allyse Pagano, which was adopted.

Senator Engler offered Senate Resolution No. 865, regarding Karen Adams, which was adopted.

Senator Engler offered Senate Resolution No. 866, regarding Sharon Roney, which was adopted.

Senator Engler offered Senate Resolution No. 867, regarding Donald Serini, which was adopted.

Senator Engler offered Senate Resolution No. 868, regarding Lisa Cantrell, which was adopted.

Senator Engler offered Senate Resolution No. 869, regarding Barbara Lawson, which was adopted.

Senator Engler offered Senate Resolution No. 870, regarding Roosevelt Elementary School,

Farmington, which was adopted.

Senator Schmitt offered Senate Resolution No. 871, regarding W.W. Keysor Elementary School, Kirkwood, which was adopted.

Senator Schmitt offered Senate Resolution No. 872, regarding Crestwood Elementary School, St. Louis, which was adopted.

On motion of Senator Dempsey, the Senate recessed until 6:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Mayer.

On motion of Senator Dempsey, the Senate recessed until 9:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Mayer.

INTRODUCTIONS OF GUESTS

Senator Munzlinger introduced to the Senate, the Physician of the Day, Dr. Shahbaz A. Riaz, M.D., Hannibal.

Senator Kehoe introduced to the Senate, Reverend Greg Morrow, California; Arturo Rivera, Maribel Rivera, Ruth Rivera, Waleska Rodriguez, Gabriel Robles, Glorimar Escalera, Natalie Alicea, Paola Torres, Yafreysi Sanchez, Bradley Rios, Dinoshka Nieves, Edna Perez, Elvin Estrada, Hiranía Carrasquillo, Ingrid Ramos, Karlos Carrasquillo, Maricarmen Pimentel, Desiree Cruz, Alex Parrilla and Edwin Matos, Puerto Rico.

Senator Lembke introduced to the Senate, students from Carondelet Leadership Academy, St. Louis.

On behalf of Senator Pearce, the President introduced to the Senate, teacher, Rebecca Neighbors, parents, Victor and Christi Kurtz, Leslie Schmidt, Nancy Gillihan, Linda Craig, Darrell Bennett and fourth grade students, Aisley Andrews, Jessica Bennett, Erin Gillihan, Hannah Halloway, Kaitlyn Kurtz, Connor Myers, Jackson Schmidt, Morgan Sword and Jessica Toler, Heartland Academy, Belton.

Senator Mayer introduced to the Senate, Tom Hyatt and David Hawthorn, Puxico.

Senator Lager introduced to the Senate, students from Cainsville Elementary School.

Senator Keaveny introduced to the Senate, Michael Sipes, Columbia.

Senator Schmitt introduced to the Senate, fourth grade students from Avery Elementary School, Webster Groves.

Senator Schmitt introduced to the Senate, parents and twenty students from Twin Oaks Christian School, Ballwin.

On behalf of Senator Pearce, the President introduced to the Senate, Melinda Piper, Sheldon.

On motion of Senator Dempsey, the Senate adjourned until 2:00 p.m., Tuesday, April 26, 2011.

SENATE CALENDAR

FIFTY-SEVENTH DAY—TUESDAY, APRIL 26, 2011

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna
(In Fiscal Oversight)
SB 204-Dempsey, et al
(In Fiscal Oversight)

SCS for SB 122-Schaaf
(In Fiscal Oversight)
SJR 12-Green
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 260-Wasson, with SCS
2. SB 425-Goodman, with SCS
3. SB 400-Kraus, with SCS
4. SB 392-Rupp, with SCS
5. SB 403-Nieves
6. SB 329-Nieves
7. SB 353-Engler
8. SJR 16-Goodman, with SCS

9. SB 391-Lager
10. SB 253-Callahan and Cunningham, with SCS
11. SB 223-Mayer
12. SB 119-Schaefer
13. SB 150-Munzlinger
14. SB 84-Wright-Jones
15. SB 45-Wright-Jones
16. SB 14-Pearce, with SCS

HOUSE BILLS ON THIRD READING

1. HB 270-Burlison and Swinger, with SCS
(Dempsey)
2. HCS for HBs 73 & 47, with SCS
(Crowell)
3. HCS for HBs 116 & 316, with SCS
(Purgason)
4. HB 229-Curls and Leara (Curls)
5. HB 142-Gatschenberger, with SCS
(Dempsey)
6. HB 186-Entlicher, et al, with SCS
(Parson)
7. HCS for HB 83 (Wasson)
8. HB 109-Wells, et al (Wasson)

9. HCS for HB 136 (Brown)
10. HB 149-Day, et al, with SCS (Brown)
11. HB 217-Dugger and Entlicher (Wasson)
12. HCS for HB 220 (Brown)
13. HCS for HB 465 (Wasson)
14. HB 550-Day (Pearce)
15. HJR 2-McGhee, et al (Goodman)
16. HB 442-Franz (Parson)
17. HB 137-Thompson, et al, with SCS
(Pearce)
18. HCS for HBs 112 & 285, with SCS
(Brown)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SS for SB 231-Lager

SENATE BILLS FOR PERFECTION

SBs 1 & 206-Ridgeway, with SCS & SA 1
(pending)

SBs 7, 5, 74 & 169-Goodman, with SCS

SB 10-Rupp

SB 23-Keaveny, with SCS & SS for SCS
(pending)SB 25-Schaaf, with SCS & SS for SCS
(pending)

SB 28-Brown

SB 37-Lembke, with SCS

SB 52-Cunningham

SB 72-Kraus, with SS (pending)

SBs 88 & 82-Schaaf, with SCS & SA 1
(pending)

SB 120-Stouffer, with SS (pending)

SB 130-Rupp, with SCS & SS for SCS
(pending)

SB 155-Rupp, with SCS

SB 175-Munzlinger, et al, with SA 1
(pending)

SB 176-Munzlinger, et al

SBs 189, 217, 246, 252 & 79-Schmitt,
with SCS

SB 200-Crowell

SB 203-Schmitt, et al, with SS (pending)

SB 208-Lager

SB 209-Lager

SB 228-Pearce

SB 242-Cunningham, with SCS & SS for SCS
(pending)

SB 247-Pearce, with SS (pending)

SB 264-Rupp, with SCS

SB 278-Munzlinger, et al

SB 280-Purgason, et al, with SCS & SS
for SCS (pending)SBs 291, 184 & 294-Pearce, with SCS &
SA 4 (pending)

SB 299-Munzlinger, with SCS (pending)

SB 326-Wasson

SBs 369 & 370-Cunningham, with SCS

SB 390-Schmitt, et al

SBs 408 & 80-Crowell, with SCS

SB 420-Mayer, with SCS

SJR 11-Munzlinger, with SCS

SJR 15-Nieves, et al, with SS (pending)

HOUSE BILLS ON THIRD READING

HCS for HB 61

HB 71-Nasheed, et al

HB 204-Hoskins, et al (Stouffer)

HCS for HB 338 (Lager)

HB 339-Pollock, et al, with SS (pending)
(Lager)

HB 423-Burlison, et al (Nieves)

HCS for HB 556

HB 738-Nasheed, et al, with SCS
(pending) (Cunningham)

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 193, with SS (Rupp)

RESOLUTIONS

Reported from Committee

SR 179-Purgason

HCR 15-Brown (50), et al (Curls)

HCR 11-Nolte, et al (Justus)

HCR 34-Hampton, et al (Munzlinger)

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Journal of the Senate

FIRST REGULAR SESSION

FIFTY-SEVENTH DAY—TUESDAY, APRIL 26, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Be glad and rejoice forever in what I am creating.” (Isaiah 65:18)

Merciful God, we give thanks for the gift of new life and are always mindful of the cost to provide it for us. We are mindful and thankful for the second weekend we have escaped death from the dangerous and damaging storms that have moved through our country; yet ever mindful of those who have suffered from extreme damage and now face flooding and the problems that will bring. We pray for Your help and comfort to those in need and hope for those who see none. And we ask to see how we may be of assistance. And help us O Lord to act on what is important in the midst of the work we have to do these closing weeks of session. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 21, 2011 was read and approved.

Senator Dempsey announced that photographers from Missouri News Horizon were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Lager offered Senate Resolution No. 873, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ronald Sumy, Skidmore, which was adopted.

Senator Lager offered Senate Resolution No. 874, regarding Joan Agatha Jackson, Ravenwood, which was adopted.

Senator Lager offered Senate Resolution No. 875, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bruce Dittberner, Laredo, which was adopted.

Senator Cunningham offered Senate Resolution No. 876, regarding Phyllis Betts, Florissant, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 877, regarding Nicole Adewale, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 878, regarding DeBorah Ahmed, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 879, regarding Jan Albus, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 880, regarding Anita Banks, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 881, regarding Becky James-Hatter, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 882, regarding the Honorable Robin Carnahan, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 883, regarding the Honorable Hazel Erby, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 884, regarding Vanessa Foster, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 885, regarding Mattie C. Moore, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 886, regarding Dr. Lillian Parks, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 887, regarding Rabbi Susan Talve, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 888, regarding Vickie Newton, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 889, regarding Mavis Thompson, Esq., which was adopted.

Senator Mayer offered Senate Resolution No. 890, regarding Elizabeth Marie Froman, Patterson, which was adopted.

Senator Mayer offered Senate Resolution No. 891, regarding Dexter Middle School Eighth Grade Girls Volleyball Team, which was adopted.

Senator Lamping offered Senate Resolution No. 892, regarding Mary Institute and St. Louis Country Day School, St. Louis, which was adopted.

Senator Mayer offered Senate Resolution No. 893, regarding the city of Puxico, Missouri, which was adopted.

Senator Rupp offered Senate Resolution No. 894, regarding Army Sergeant Brennan W. Lagemann, Elsberry, which was adopted.

Senator Kraus offered Senate Resolution No. 895, regarding Darron B. Howell, Sr., Blue Springs, which was adopted.

Senator Pearce assumed the Chair.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 68**, entitled:

An Act to repeal sections 21.400, 128.345, and 128.346, RSMo, and to enact in lieu thereof twelve new sections relating to powers of the general assembly, with an emergency clause for a certain section.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee substitute for Senate Committee Substitute for Senate Bill No. 68, Page 1, In the Title, Line 2, by deleting all of said line and inserting in lieu thereof the following:

“To repeal sections 21.400, 128.345, 128.346, and 128.348, RSMo, and to enact in lieu thereof thirteen new”; and

Further amend said bill, Page 1, Section A, Line 1, by deleting all of said line and inserting in lieu thereof the following:

“Section A. Sections 21.400, 128.345, 128.346, and 128.348, RSMo, are repealed and thirteen new”; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after the number “128.346,” the number “128.348,”; and

Further amend said bill, Page 2, Section 128.346, Lines 1 to 3, by deleting all of said lines and inserting in lieu thereof the following:

“128.346. The districts established by the provisions of sections 128.400 to 128.440 for the election of representatives to the Congress of the United States shall be effective beginning with election to the 108th Congress **and through the election of the 112th Congress. The districts established by sections 128.451 to 128.458 for the election of representatives to the Congress of the United States shall be effective beginning with the election to the 113th Congress.**

128.348. The state of Missouri is hereby divided into nine congressional districts. **Effective with the election for the 113th Congress, the state of Missouri shall consist of eight congressional districts.** The legal voters of each district shall elect one member of Congress of the United States.”; and

Further amend said bill, Pages 2 to 22, Section 128.451, Lines 2 to 879, by deleting all of said lines and inserting in lieu thereof the following:

“St. Louis City MO County

St. Louis MO County (part)

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VTD: AP237

VTD: CC012 (part)

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VTD: CC013

VTD: CC015

VTD: CC018 (part)

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Block: 291892150042006

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VTD: CC046

VTD: CC048

VTD: CC053 (part)

Block: 291892150041000

Block: 291892150041001

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Block: 291892150041003

Block: 291892150041004

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Block: 291892150041010

Block: 291892150041011

Block: 291892150041012

Block: 291892150042005

VTD: CC054

VTD: CC057

VTD: CC058 (part)

Block: 291892156001056

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VTD: CC061 (part)

Block: 291892155004010

VTD: CC062 (part)

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Block: 291892155004009

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VTD: CC203 (part)

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Block: 291892156001020

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VTD: CLA001

VTD: CLA003 (part)

Block: 291892164001005

Block: 291892164001006

VTD: CLA005

VTD: CLA011 (part)

Block: 291892158002018

Block: 291892158006012

Block: 291892158006015

Block: 291892158006016

Block: 291892165001005

VTD: CLA015 (part)

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Block: 291892192002018

Block: 291892192002019

Block: 291892192002020

Block: 291892192002023

VTD: JEF019

VTD: JEF020

VTD: JEF023 (part)

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VTD: JEF024

VTD: JEF028

VTD: JEF030 (part)

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VTD: JEF200 (part)

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VTD: LC001

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VTD: NW008 (part)

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Block: 291892113013006

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VTD: NW010

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VTD: NW013 (part)

Block: 291892151431053

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VTD: NW016

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VTD: NW019 (part)

Block: 291892132023006

VTD: NW020

VTD: NW025 (part)

Block: 291892113321023

Block: 291892113321024

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Block: 291892114013001

Block: 291892114013007

Block: 291892114013008

VTD: NW026

VTD: NW028

VTD: NW030 (part)

Block: 291892114013011

VTD: NW031

VTD: NW032 (part)

Block: 291892131014025

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Block: 291892131021114

Block: 291892132031005

Block: 291892151431000

VTD: NW034

VTD: NW037

VTD: NW042 (part)

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Block: 291892114013010

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VTD: NW206 (part)

Block: 291892132031019

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VTD: SF038

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VTD: SF040

VTD: SF200

VTD: SF204

VTD: SF206

VTD: SPL001

VTD: SPL002

VTD: SPL003

VTD: SPL004

VTD: SPL005

VTD: SPL006

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VTD: SPL030
VTD: SPL201
VTD: SPL202
VTD: SPL207
VTD: SPL208
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VTD: UNV002
VTD: UNV003
VTD: UNV004
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VTD: UNV006
VTD: UNV007
VTD: UNV008
VTD: UNV009
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VTD: UNV028

VTD: UNV029

VTD: UNV030

VTD: UNV031 (part)

Block: 291892158002000

Block: 291892158002009

Block: 291892158002017

Block: 291892158005031

Block: 291892158005032

Block: 291892158005033

Block: 291892158005034

Block: 291892158005035

Block: 291892158005037

Block: 291892158005038

Block: 291892158005039

Block: 291892158005040

Block: 291892158006008

Block: 291892158006009

Block: 291892158006010

Block: 291892158006011

Block: 291892158006013

Block: 291892158006014

Block: 291892158006017

VTD: UNV032

VTD: UNV033

VTD: UNV034

VTD: UNV035

VTD: UNV036

VTD: UNV037

VTD: UNV038

VTD: UNV039

VTD: UNV040

VTD: UNV041

VTD: UNV042

VTD: UNV043

VTD: UNV044

VTD: UNV045

VTD: UNV046

VTD: UNV047

VTD: UNV048

VTD: UNV049

VTD: UNV200

VTD: UNV201

VTD: UNV205

VTD: UNV206

VTD: UNV208”; and

Further amend said bill, Pages 22 to 65, Section 128.452, Lines 2 to 1842, by deleting all of said lines and inserting in lieu thereof the following:

“Jefferson MO County (part)

VTD: Arnold No. 1

VTD: Arnold No. 2 (part)

Block: 290997001101038

Block: 290997001101039

Block: 290997001101040

Block: 290997001101041

Block: 290997001101043

Block: 290997001101044

Block: 290997001101045

Block: 290997001101046

Block: 290997001101047

Block: 290997001101048

Block: 290997001101049

Block: 290997001101053

Block: 290997001103015

Block: 290997001103016

Block: 290997001103018

Block: 290997001103019

Block: 290997001103020

Block: 290997001103021

Block: 290997001103024

Block: 290997001103025

Block: 290997001103026

Block: 290997001103027

Block: 290997001103030

Block: 290997001103031

Block: 290997001132000

Block: 290997001132001

Block: 290997001132004

Block: 290997001132005

Block: 290997001132006

Block: 290997001132029

Block: 290997001141000

Block: 290997001141001

Block: 290997001141002

Block: 290997001141003

Block: 290997001141006

Block: 290997001141007

Block: 290997001141008

Block: 290997001141009

Block: 290997001141010

Block: 290997001141011

Block: 290997001141012

Block: 290997001141013

Block: 290997001141018

Block: 290997001141092

Block: 290997001151000

Block: 290997001151001

Block: 290997001151002

Block: 290997001151003

Block: 290997001151004

Block: 290997001151006
Block: 290997001151007
Block: 290997001151008
Block: 290997001151009
Block: 290997001151010
Block: 290997001151011
Block: 290997001151012
Block: 290997001151013
Block: 290997001151014
Block: 290997001151015
Block: 290997001151016
Block: 290997001151017
Block: 290997001151018
Block: 290997001152000
Block: 290997001152001
Block: 290997001152002
Block: 290997001152003
Block: 290997001152008
Block: 290997001152009
Block: 290997001152010
Block: 290997001152030
Block: 290997001152031
Block: 290997001153000
Block: 290997001153001
Block: 290997001153005
Block: 290997001153013
Block: 290997001153028
Block: 290997001153029
Block: 290997001153031
Block: 290997001172000
Block: 290997001172003
Block: 290997001172004
Block: 290997001172011
Block: 290997001172012
Block: 290997001172013
Block: 290997001172014

Block: 290997001172015

Block: 290997001172016

Block: 290997001172017

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Block: 290997001172019

Block: 290997001172020

Block: 290997001172021

Block: 290997001172022

Block: 290997001172023

Block: 290997001172026

Block: 290997001172027

Block: 290997001172028

Block: 290997001172029

Block: 290997001172030

Block: 290997001172031

Block: 290997001172032

Block: 290997001172033

Block: 290997001172034

Block: 290997001172035

Block: 290997001172036

Block: 290997001172051

Block: 290997001172052

Block: 290997001172053

Block: 290997001173009

Block: 290997001183000

Block: 290997001183001

Block: 290997001183002

Block: 290997001183003

Block: 290997001183005

Block: 290997001183006

Block: 290997001183007

Block: 290997001183008

Block: 290997001183009

Block: 290997001183010

Block: 290997001183011

Block: 290997001183012

Block: 290997001184002

Block: 290997001184009

Block: 290997001184010

Block: 290997001184011

VTD: Arnold No. 3

VTD: Arnold No. 4

VTD: High Ridge 3-2

VTD: High Ridge No. 1

VTD: Maxville No. 1

VTD: Maxville No. 2 (part)

Block: 290997001132002

Block: 290997001132003

Block: 290997001132007

Block: 290997001132008

Block: 290997001132009

Block: 290997001132014

Block: 290997001132015

Block: 290997001132016

Block: 290997001132017

Block: 290997001132018

Block: 290997001132026

Block: 290997001132027

Block: 290997001132028

Block: 290997001132030

Block: 290997001172001

VTD: Meramec Heights

VTD: Murphy No. 1

VTD: Murphy No. 2

VTD: Murphy No. 3

VTD: Parkdale

VTD: Rock Creek No. 1 (part)

Block: 290997002091000

Block: 290997002091001

Block: 290997002091002

Block: 290997002091003

Block: 290997002091004

Block: 290997002091005

Block: 290997002091006

Block: 290997002091007

Block: 290997002091008

Block: 290997002091009

Block: 290997002091010

Block: 290997002091011

Block: 290997002091012

Block: 290997002091013

Block: 290997002091014

Block: 290997002091015

Block: 290997002091020

Block: 290997002091021

Block: 290997002091022

Block: 290997002091023

Block: 290997002091024

Block: 290997002091025

Block: 290997002091026

Block: 290997002091030

Block: 290997002091031

Block: 290997002091032

Block: 290997002091033

Block: 290997002091034

Block: 290997002091035

Block: 290997002091036

Block: 290997002091037

Block: 290997002091038

Block: 290997002091039

Block: 290997002111044

Block: 290997002111045

Block: 290997002111046

VTD: Rock Creek No. 2 (part)

Block: 290997002063008

Block: 290997002091016

Block: 290997002091017

Block: 290997002091018

Block: 290997002091019

Block: 290997002091027

Block: 290997002091028

Block: 290997002091029

Block: 290997002091040

VTD: Romaine Creek

VTD: Saline

VTD: Springdale

St. Charles MO County (part)

VTD: 083-Woodcliff

VTD: 084-Harvester

VTD: 085-Sycamore

VTD: 086-Arlington

VTD: 091-Katy Trail

VTD: 101-Graybridge

VTD: 111-Woodstream

VTD: 124-Rabbit Run

VTD: 129-Parkwood

VTD: 130-Lakes

VTD: 139-Discovery

VTD: 143-All Saints

VTD: 144-Fox

VTD: 146-St. Jude

VTD: 147-Cottleville

VTD: 150-Timberwood

VTD: 152-Woodglen

VTD: 154-Wheatfield

VTD: 155-Green Forest

VTD: 156-Oaks

VTD: 170-Starbuck

VTD: 206-Monticello

VTD: 207-Carriage Hills

VTD: 208-Twin Chimneys

VTD: 211-Summerset

VTD: 212-Canvas Cove

VTD: 215-Coachman

VTD: 218-DuVall

VTD: 219-Westfield

VTD: 220-Pitman

VTD: 221-Weldon Spring

VTD: 222-New Melle

VTD: 225-Augusta

VTD: 227-Whitmoor

VTD: 228-Shoshone

VTD: 229-Callaway

VTD: 230-Claybrook

VTD: 231-Wolfrum

VTD: 234-Windcastle

St. Louis MO County (part)

VTD: BON001

VTD: BON002

VTD: BON003

VTD: BON004

VTD: BON005

VTD: BON006

VTD: BON007

VTD: BON008

VTD: BON009

VTD: BON010

VTD: BON011

VTD: BON012

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VTD: BON202
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VTD: BON210
VTD: BON211
VTD: CC001
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VTD: CC006

VTD: CC007

VTD: CC008

VTD: CC009

VTD: CC010

VTD: CC011

VTD: CC012 (part)

Block: 291892155004012

Block: 291892155004016

Block: 291892155004017

Block: 291892155004021

Block: 291892155004023

VTD: CC014

VTD: CC016

VTD: CC017

VTD: CC018 (part)

Block: 291892150031011

Block: 291892150031016

Block: 291892150031017

Block: 291892150031019

Block: 291892150031025

VTD: CC023

VTD: CC024

VTD: CC030

VTD: CC031

VTD: CC032

VTD: CC033

VTD: CC035

VTD: CC036

VTD: CC037

VTD: CC041

VTD: CC044

VTD: CC045

VTD: CC047

VTD: CC049

VTD: CC050

VTD: CC051

VTD: CC052

VTD: CC053 (part)

Block: 291892150031042

Block: 291892150041015

Block: 291892150041016

Block: 291892150052005

Block: 291892150052006

Block: 291892150052007

Block: 291892150052008

Block: 291892150052010

Block: 291892150052011

Block: 291892150053000

Block: 291892150053001

Block: 291892150053010

Block: 291892150053011

Block: 291892150053012

VTD: CC055

VTD: CC056

VTD: CC058 (part)

Block: 291892150051010

Block: 291892150051013

Block: 291892150051014

Block: 291892150052017

Block: 291892150052018

Block: 291892150052020

Block: 291892150052021

Block: 291892150052022

Block: 291892150052023

Block: 291892150052024

Block: 291892150052025

Block: 291892150052026

Block: 291892150053021

Block: 291892150053028

Block: 291892150053029

Block: 291892150053030

Block: 291892150054012

Block: 291892150054013

Block: 291892153011000

Block: 291892153011001

Block: 291892153011002

Block: 291892153011003

Block: 291892155001016

Block: 291892155001017

Block: 291892156001048

Block: 291892156001049

Block: 291892156001054

VTD: CC059

VTD: CC061 (part)

Block: 291892155004020

VTD: CC062 (part)

Block: 291892155004013

Block: 291892155004018

Block: 291892155004019

Block: 291892155004022

Block: 291892155004024

VTD: CC203 (part)

Block: 291892156001022

Block: 291892156001023

Block: 291892156001026

Block: 291892156001027

VTD: CC206

VTD: CC208

VTD: CC214

VTD: CC216

VTD: CHE001

VTD: CHE002

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VTD: CHE056

VTD: CHE200

VTD: CHE203

VTD: CHE204

VTD: CHE209

VTD: CHE212

VTD: CHE214

VTD: CHE215

VTD: CLA002

VTD: CLA003 (part)

Block: 291892164001000

Block: 291892164001001

Block: 291892164001003

Block: 291892164001004

Block: 291892164001007

Block: 291892164001008

Block: 291892164001014

Block: 291892164002014

Block: 291892164002015

VTD: CLA004

VTD: CLA006

VTD: CLA007

VTD: CLA008

VTD: CLA009

VTD: CLA010

VTD: CLA011 (part)**Block: 291892165001000****Block: 291892165001001****Block: 291892165001002****Block: 291892165001003****Block: 291892165001004****Block: 291892165001006****Block: 291892165001007****Block: 291892165001008****Block: 291892165001009****Block: 291892165001010****Block: 291892165001011****Block: 291892165001012****Block: 291892165001013****Block: 291892165001014****Block: 291892165001015****Block: 291892165001016****Block: 291892165001017****Block: 291892165001018****Block: 291892165001019****Block: 291892165002003****Block: 291892165002004****Block: 291892165002016****Block: 291892165002017****Block: 291892165002018****VTD: CLA012****VTD: CLA013****VTD: CLA014****VTD: CLA015 (part)****Block: 291892154002002****Block: 291892154002003****Block: 291892154002004****Block: 291892154002005****Block: 291892154002006****Block: 291892154002007****Block: 291892154002008**

Block: 291892154002009

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Block: 291892154002013

Block: 291892154002014

Block: 291892154002015

Block: 291892154002016

Block: 291892154002017

Block: 291892155004025

VTD: CLA016

VTD: CLA017

VTD: CLA018

VTD: CLA019

VTD: CLA020

VTD: CLA024

VTD: CLA025

VTD: CLA026

VTD: CLA027

VTD: CLA028

VTD: CLA029

VTD: CLA030

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VTD: CLA032

VTD: CLA033

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VTD: CLA038

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VTD: CLA040

VTD: CLA041

VTD: CLA042

VTD: CLA043

VTD: CLA044

VTD: CLA045

VTD: CLA046

VTD: CLA047

VTD: CLA048

VTD: CLA049

VTD: CLA050 (part)

Block: 291892189004000

Block: 291892189004001

Block: 291892189004002

Block: 291892189004003

Block: 291892189004004

Block: 291892189004005

Block: 291892189004006

Block: 291892189004007

Block: 291892189004008

Block: 291892189004010

Block: 291892189004011

Block: 291892189004012

Block: 291892189004013

Block: 291892189004014

Block: 291892189004015

Block: 291892189004016

Block: 291892189004017

Block: 291892189004018

Block: 291892189004020

Block: 291892189004021

Block: 291892189004022

VTD: CLA053

VTD: CLA055

VTD: CLA057

VTD: CLA058

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VTD: CLA204

VTD: CLA206

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VTD: GRA056

VTD: GRA202

VTD: GRA203

VTD: GRA204

VTD: GRA205

VTD: GRA206

VTD: GRA209

VTD: GRA210

VTD: JEF001

VTD: JEF002

VTD: JEF003

VTD: JEF004

VTD: JEF005

VTD: JEF006

VTD: JEF007

VTD: JEF008

VTD: JEF009

VTD: JEF010

VTD: JEF011

VTD: JEF012

VTD: JEF015

VTD: JEF016

VTD: JEF017 (part)

Block: 291892196001016

Block: 291892196001017

VTD: JEF018 (part)

Block: 291892191004014

Block: 291892191004015

Block: 291892191004016

Block: 291892191004017

Block: 291892192002013

Block: 291892192002014

Block: 291892195003000

Block: 291892196003002

Block: 291892196003013

Block: 291892196003014

Block: 291892196003018

VTD: JEF021

VTD: JEF022

VTD: JEF023 (part)

Block: 291892193002000

Block: 291892193002005

Block: 291892193002006

Block: 291892193002007

Block: 291892193002008

Block: 291892193002009

Block: 291892193002010

Block: 291892193002011

Block: 291892193002012

Block: 291892193002013

Block: 291892193002014

VTD: JEF025

VTD: JEF026

VTD: JEF027

VTD: JEF029

VTD: JEF030 (part)

Block: 291892195001001

Block: 291892195003001

Block: 291892195003002

Block: 291892195003003

Block: 291892195003004

Block: 291892195003005

Block: 291892195003006

Block: 291892195003007

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Block: 291892195003013

Block: 291892195003014

Block: 291892195003015

Block: 291892195003016

Block: 291892195003017

Block: 291892195004000

Block: 291892195004002

Block: 291892195004003

VTD: JEF031

VTD: JEF032

VTD: JEF033

VTD: JEF034

VTD: JEF035

VTD: JEF036

VTD: JEF037

VTD: JEF038

VTD: JEF039

VTD: JEF040

VTD: JEF041

VTD: JEF042

VTD: JEF043

VTD: JEF044

VTD: JEF045

VTD: JEF046

VTD: JEF048 (part)

Block: 291892188003002

Block: 291892188003008

Block: 291892193002001

Block: 291892193002002

Block: 291892193002003

Block: 291892193002004

Block: 291892193002018

VTD: JEF049

VTD: JEF050

VTD: JEF200 (part)

Block: 291892196001014

Block: 291892196001015

Block: 291892196001018

Block: 291892196001019

VTD: JEF201

VTD: LAF001

VTD: LAF002

VTD: LAF003

VTD: LAF004

VTD: LAF005

VTD: LAF006

VTD: LAF007

VTD: LAF008

VTD: LAF009

VTD: LAF010

VTD: LAF011

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VTD: MHT017

VTD: MHT018 (part)

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Block: 291892132022009

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Block: 291892132022015

Block: 291892132022016

Block: 291892132022017

Block: 291892132022018

VTD: MHT019

VTD: MHT020

VTD: MHT021

VTD: MHT022

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VTD: MHT200

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VTD: MHT209

VTD: MHT211

VTD: MHT212

VTD: MHT213

VTD: MHT214

VTD: MHT216

VTD: MHT218

VTD: MHT219

VTD: MID001 (part)

Block: 291892150011003

Block: 291892150011004

Block: 291892150011005

Block: 291892150011048

Block: 291892150011049

VTD: MID057

VTD: MID200

VTD: MID201

VTD: MID207 (part)

Block: 291892150011047

Block: 291892150011098

VTD: MR001

VTD: MR002

VTD: MR003

VTD: MR004

VTD: MR005

VTD: MR006

VTD: MR007

VTD: MR008

VTD: MR009

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VTD: MR203

VTD: MR206

VTD: MR209

VTD: NW006

VTD: NW007

VTD: NW008 (part)

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VTD: NW009

VTD: NW013 (part)

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Block: 291892151431087

Block: 291892151431089

Block: 291892151431091

Block: 291892151431092

VTD: NW015

VTD: NW018

VTD: NW019 (part)

Block: 291892132025000

Block: 291892132025019

Block: 291892132025021

Block: 291892151432024

VTD: NW021

VTD: NW022

VTD: NW023

VTD: NW024

VTD: NW025 (part)

Block: 291892114013002

Block: 291892114013003

Block: 291892114013040

VTD: NW027

VTD: NW029

VTD: NW030 (part)

Block: 291892114013012

Block: 291892114013013

Block: 291892114013030

VTD: NW032 (part)

Block: 291892131021049

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Block: 291892131021112

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Block: 291892131021115

Block: 291892151431002

Block: 291892151431005

VTD: NW033

VTD: NW035

VTD: NW036

VTD: NW038

VTD: NW039

VTD: NW040

VTD: NW041

VTD: NW042 (part)

Block: 291892131021048

Block: 291892131021094

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Block: 291892131022052

Block: 291892131022053

Block: 291892131022054

Block: 291892131022057

VTD: NW044

VTD: NW046

VTD: NW048 (part)

Block: 291892114013004

Block: 291892114013005

Block: 291892114013006

Block: 291892114013014

Block: 291892114013015

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Block: 291892114013019

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Block: 291892114013027

Block: 291892114013031

Block: 291892114013032

Block: 291892114013033

Block: 291892114013039

VTD: NW052

VTD: NW206 (part)

Block: 291892151431052

VTD: NW208

VTD: NW209

VTD: NW210

VTD: NW213

VTD: NW215

VTD: NW231
VTD: OAK001
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VTD: TSF024

VTD: TSF025

VTD: TSF026

VTD: TSF027

VTD: TSF028

VTD: TSF029

VTD: TSF030

VTD: TSF031

VTD: TSF032

VTD: TSF207

VTD: TSF208

VTD: UNV031 (part)

Block: 291892158005036

VTD: WH001

VTD: WH002

VTD: WH003

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VTD: WH205

VTD: WH208

VTD: WH209

VTD: WH212

Warren MO County (part)

VTD: Concord Hill

VTD: Dutzow

VTD: Holstein

VTD: Hopewell

VTD: Innsbrook

VTD: Lake Sherwood

VTD: Marthasville

VTD: North Hickory Grove (part)

Block: 292198201032077

Block: 292198201032078

Block: 292198201032086

Block: 292198201032101

Block: 292198201033013

Block: 292198201033014

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Block: 292198201033117

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Block: 292198201033125

Block: 292198201033126

Block: 292198201033127

Block: 292198201033128

VTD: Smith Creek

VTD: South Hickory Grove

VTD: Wright City Ward 1 (part)

Block: 292198201032062

Block: 292198201032063

VTD: Wright City Ward 2 (part)

Block: 292198201032072

Block: 292198201033040”; and

Further amend said bill, Pages 65 to 74, Section 128.453, Lines 2 to 385, by deleting all of said lines and inserting in lieu thereof the following:

“Audrain MO County

Callaway MO County

Camden MO County (part)

VTD: Barnumton

VTD: Camdenton 1

VTD: Camdenton 2

VTD: Camdenton 3

VTD: Climax Springs (part)

Block: 290299507001000

Block: 290299507001002

Block: 290299507001004

Block: 290299507001006

Block: 290299507001007

Block: 290299507001008

Block: 290299507001009

Block: 290299507001010

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Block: 290299507002128

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Block: 290299508002042

Block: 290299508002043

Block: 290299508002048

Block: 290299508002049

Block: 290299508002050

Block: 290299508002051

VTD: Decaturville

VTD: Freedom

VTD: Greenview

VTD: Ha Ha Tonka

VTD: Hillhouse

VTD: Horseshoe Bend

VTD: Linn Creek

VTD: Macks Creek

VTD: Montreal

VTD: Osage Beach 1

VTD: Osage Beach 2

VTD: Osage Beach 3

VTD: Roach

VTD: Stoutland
VTD: Sunny Slope
VTD: Sunrise Beach 1
VTD: Sunrise Beach 2
VTD: Sunrise Beach 3
VTD: Wilson Bend
Cole MO County
Franklin MO County (part)
VTD: BEAUFORT- LYON
VTD: BERGER OUT OF TOWN
VTD: BERGER WARD 1
VTD: BERGER WARD 2
VTD: CATAWISSA
VTD: CLOVER BOTTOM EAST
VTD: CLOVER BOTTOM WEST
VTD: DETMOLD
VTD: EXCELSIOR
VTD: GILDEHAUS
VTD: GRAY SUMMIT
VTD: JAEGER'S SHOP
VTD: KRAKOW
VTD: LABADIE
VTD: LYON
VTD: NEW HAVEN WARD 1
VTD: NEW HAVEN WARD 2
VTD: PACIFIC OUT OF TOWN
VTD: PACIFIC WARD 1
VTD: PACIFIC WARD 2
VTD: PACIFIC WARD 3
VTD: PRAIRIE DELL (part)
Block: 290718006023000
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VTD: ROBERTSVILLE

VTD: SOUTH POINT

VTD: ST ALBANS

VTD: UNION OUT OF TOWN (part)

Block: 290718001004069

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Block: 290718004024058

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VTD: UNION WARD 1

VTD: UNION WARD 2

VTD: UNION WARD 3

VTD: UNION WARD 4

VTD: VILLA RIDGE

VTD: WASHINGTON WARD 1

VTD: WASHINGTON WARD 2

VTD: WASHINGTON WARD 3

VTD: WASHINGTON WARD 4

VTD: YEATES

VTD: ZIEGENMEYER

Gasconade MO County

Jefferson MO County (part)

VTD: Antonia No. 1

VTD: Antonia No. 2

VTD: Arnold No. 2 (part)

Block: 290997001103017

Block: 290997001103022

Block: 290997001103023

Block: 290997001152032

Block: 290997001172037

VTD: Barnhart No. 1

VTD: Barnhart No. 2
VTD: Byrnes Mill Ward 1
VTD: Byrnes Mill Ward 2
VTD: Byrnes Mill Ward 3
VTD: Byrnesville
VTD: Cedar Hill Lakes
VTD: Cedar Hill No. 1
VTD: Cedar Hill No. 2
VTD: Flamm City
VTD: Goldman No. 1
VTD: Grubville No. 1
VTD: Grubville No. 2
VTD: High Ridge 3-1
VTD: High Ridge No. 2
VTD: Hillsboro P-1 (part)
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Block: 290997005024120

Block: 290997005024121

Block: 290997011011001

Block: 290997011011003

Block: 290997011011004

VTD: Hoene Springs

VTD: House Springs 1-1

VTD: House Springs 1-2

VTD: House Springs No. 2

VTD: Imperial No. 1

VTD: Imperial No. 2

VTD: Imperial No. 3

VTD: Jefferson Heights

VTD: Kimmswick

VTD: Lake Tishomingo (part)

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VTD: Mapaville (part)

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VTD: Maxville No. 2 (part)

Block: 290997001132010

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Block: 290997001132019

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VTD: McNamee R-1

VTD: Meramec Valley/McNamee

VTD: Miller

VTD: Rock Creek No. 1 (part)

Block: 290997002062004

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VTD: Rock Creek No. 2 (part)

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VTD: Rock Creek No. 3

VTD: Rockwood-6/Hoene Springs

VTD: Rockwood-6/McNamee

VTD: Scotsdale

VTD: Ware (part)

Block: 290997005021033

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VTD: Windsor

Lincoln MO County

Maries MO County

Miller MO County

Montgomery MO County

Osage MO County

St. Charles MO County (part)

VTD: 001-Kampville

VTD: 004-Orchard Farm

VTD: 005-Rivers

VTD: 014-Lincoln

VTD: 015-Washington

VTD: 016-Montclair

VTD: 021-Truman

VTD: 022-Cheshire

VTD: 024-Wilshire

VTD: 025-Shirewood

VTD: 028-Treetop

VTD: 031-Sibley

VTD: 033-Canary

VTD: 034-McNair

VTD: 036-Sun Lake

VTD: 041-Government

VTD: 043-Marina

VTD: 045-Mamelle

VTD: 047-Covilli

VTD: 051-St. Cletus

VTD: 054-Coverdell

VTD: 056-Edgewood

VTD: 057-Hanover

VTD: 062-Adams

VTD: 063-St. Andrews

VTD: 071-Fairways

VTD: 080-Heritage

VTD: 100-McClay

VTD: 102-Tanglewood
VTD: 103-Cave Springs
VTD: 104-Hi Point
VTD: 106-Spencer
VTD: 107-Oak Creek
VTD: 113-Briarhill
VTD: 121-St. Marys
VTD: 122-Mid Rivers
VTD: 126-Meadow Valley
VTD: 128-Fairmount
VTD: 131-Shadow Creek
VTD: 132-Country Hill
VTD: 140-Laura Hill
VTD: 145-Salt Lick
VTD: 148-Winds
VTD: 149-Sunny Hill
VTD: 151-Glengate
VTD: 153-Aspen
VTD: 157-Patriot
VTD: 159-Hillcrest
VTD: 160-Harmony
VTD: 161-Montbrook
VTD: 162-Elks
VTD: 163-Civic
VTD: 165-St. Paul
VTD: 166-Mount Hope
VTD: 167-Morningside
VTD: 169-Highgrove
VTD: 173-Turtle Creek
VTD: 181-Community
VTD: 182-Evergreen
VTD: 183-Foristell
VTD: 184-Flint Hill
VTD: 185-Josephville
VTD: 186-Twin Oaks
VTD: 187-Fairview

VTD: 189-Pioneer

VTD: 190-Peine

VTD: 193-Delmar

VTD: 194-Amber Meadows

VTD: 196-Phoenix

VTD: 197-Feise

VTD: 198-Cedar

VTD: 199-Regatta Bay

VTD: 200-Normandy

VTD: 202-Ridgepoint

VTD: 203-Fieldcrest

VTD: 205-Bayfield

VTD: 210-Freymuth

VTD: 213-Bryan

VTD: 214-Hawk Ridge

VTD: 217-Keystone

VTD: 226-Hopewell

Warren MO County (part)

VTD: Elkhorn North

VTD: Elkhorn South

VTD: Gore - Case

VTD: Macedonia

VTD: North Hickory Grove (part)

Block: 292198201031000

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VTD: Pendleton

VTD: Truesdale

VTD: Walnut Grove

VTD: Warrenton Ward 1

VTD: Warrenton Ward 2

VTD: Warrenton Ward 3

VTD: Weeks

VTD: Wright City Ward 1 (part)

Block: 292198201031070

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VTD: Wright City Ward 2 (part)

Block: 292198201032073

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Block: 292198201032100

Block: 292198201033034

Block: 292198201033036

Block: 292198201033039

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Block: 292198201033129”; and

Further amend said bill, Pages 74 to 93, Section 128.454, Lines 2 to 824, by deleting all of said lines and inserting in lieu thereof the following:

“Barton MO County

Bates MO County

Benton MO County

Boone MO County

Camden MO County (part)

VTD: Climax Springs (part)

Block: 290299507001001

Block: 290299507001003

Block: 290299507001005

Block: 290299507001039

Block: 290299507001041

Block: 290299507001042

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Block: 290299507001129

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Block: 290299507001143

Block: 290299507001144

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Block: 290299507001150

Block: 290299507002123

Cass MO County

Cedar MO County

Cooper MO County

Dade MO County

Dallas MO County

Henry MO County

Hickory MO County

Howard MO County

Johnson MO County

Laclede MO County

Moniteau MO County

Morgan MO County

Pettis MO County

Polk MO County (part)

VTD: Campbell

VTD: Cliquot

VTD: East Madison

VTD: Flemington

VTD: Jefferson

VTD: Johnson

VTD: McKinley

VTD: Mooney

VTD: North Benton

VTD: North Greene

VTD: Northeast Marion (part)

Block: 291679602001188

Block: 291679602001189

Block: 291679602001190

Block: 291679602001198

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Block: 291679602001200

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VTD: Northwest Marion (part)

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Block: 291679601002119

Block: 291679601002121

Block: 291679601002136

Block: 291679601002138

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Block: 291679601002140

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Block: 291679602003106

Block: 291679602003107

Block: 291679602003125

VTD: South Benton

VTD: South Greene

VTD: Southeast Marion (part)

Block: 291679603002000

Block: 291679603003003

Block: 291679603003004

Block: 291679603003005

Block: 291679603003006

Block: 291679603003007

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Block: 291679603003099

Block: 291679603003100

Block: 291679603003101

Block: 291679603003102

Block: 291679603003114

VTD: West Madison

Pulaski MO County

Randolph MO County (part)

VTD: Clark

VTD: Higbee

VTD: Mt. Airy (part)

Block: 291754902002093

Block: 291754906002036

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Block: 291754906002091

Block: 291754906002092

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Block: 291754906002094

Block: 291754906002096

VTD: North Sugar Creek (part)

Block: 291754901002058

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Block: 291754901003171

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Block: 291754902002035

Block: 291754902002036

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Block: 291754903001004

Block: 291754903001005

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VTD: Salt Springs (part)

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Block: 291754905003057

Block: 291754905003058

Block: 291754905003059

Block: 291754905003060

Block: 291754905003061

Block: 291754905003062

Block: 291754905003063

Block: 291754905003064

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Block: 291754905003066

Block: 291754905003067

Block: 291754905003068

Block: 291754905003069

Block: 291754905003070

Block: 291754905003071

Block: 291754905003072

Block: 291754905003073
Block: 291754905003074
Block: 291754905003075
Block: 291754905003076
Block: 291754905003077
Block: 291754905003078
Block: 291754905003079
Block: 291754905003080
Block: 291754905003081
Block: 291754905003082
Block: 291754905003083
Block: 291754905003084
Block: 291754905003085
Block: 291754905003086
Block: 291754905003087
Block: 291754905003088
Block: 291754905003089
Block: 291754905003091
Block: 291754905003092
Block: 291754906001009
Block: 291754906001010
Block: 291754906001011
Block: 291754906001012
Block: 291754906001013
Block: 291754906001014
Block: 291754906001015
Block: 291754906001016
Block: 291754906001017
Block: 291754906001031
Block: 291754906001070
Block: 291754906001071
Block: 291754906001072
Block: 291754906001073
Block: 291754906001074
Block: 291754906001075
Block: 291754906001076

Block: 291754906001077

VTD: Union (part)

Block: 291754901002029

Block: 291754901002040

Block: 291754901002041

Block: 291754901002042

Block: 291754901002043

Block: 291754901002044

Block: 291754901002045

Block: 291754901002046

Block: 291754901002047

Block: 291754901002051

Block: 291754901002052

Block: 291754901002053

Block: 291754901002056

Block: 291754901002057

Block: 291754901002066

Block: 291754901002067

Block: 291754901002072

Block: 291754901002073

Block: 291754901002074

Block: 291754901002116

Block: 291754901002117

Block: 291754901002158

Block: 291754901002159

Block: 291754901002163

Block: 291754901003172

Block: 291754901003173

Block: 291754903003020

Block: 291754903003021

Block: 291754903003022

Block: 291754903003023

Block: 291754903003024

Block: 291754903003027

Block: 291754903003028

Block: 291754903003029

Block: 291754903003030

Block: 291754903003031

Block: 291754903003032

Block: 291754903003033

Block: 291754903003034

Block: 291754903003035

Block: 291754903003036

Block: 291754903003042

Block: 291754903003043

Block: 291754903003044

Block: 291754903003045

Block: 291754903003046

Block: 291754903003047

Block: 291754903003085

Block: 291754903003086

Block: 291754903003107

VTD: Yates

St. Clair MO County

Vernon MO County

Webster MO County

Wright MO County”; and

Further amend said bill, Pages 93 to 127, Section 128.455, Lines 2 to 1463, by deleting all of said lines and inserting in lieu thereof the following:

“Clay MO County (part)

VTD: Chou 8 (part)

Block: 290470208012009

Block: 290470208012013

Block: 290470208012014

Block: 290470208012015

Block: 290470208012021

Block: 290470208012022

Block: 290470208012023

Block: 290470208012024

Block: 290470208012025

Block: 290470208012026

Block: 290470208012027

Block: 290470208012028

Block: 290470208012029

Block: 290470208012030

Block: 290470208013004

Block: 290470208013005

Block: 290470208013006

Block: 290470208013007

Block: 290470208013008

Block: 290470208013009

Block: 290470208013010

Block: 290470208013011

Block: 290470208013012

Block: 290470208013013

Block: 290470208013014

Block: 290470208013015

Block: 290470208013016

Block: 290470208013017

Block: 290470208013018

Block: 290470208013019

Block: 290470208013020

Block: 290470208013021

Block: 290470208013022

Block: 290470208013023

Block: 290470208013024

Block: 290470208013025

Block: 290470208013026

Block: 290470208013027

Block: 290470208013028

Block: 290470208013029

Block: 290470208013030

Block: 290470208013031

Block: 290470208013032

Block: 290470223021026

Block: 290470223021028

Block: 290470223021030

Block: 290470223021031

Block: 290470223021032

Block: 290470223021033

Block: 290470223021034

Block: 290470223021035

Block: 290470223021036

Block: 290470223021037

Block: 290470223021038

Block: 290470223021039

Block: 290470223021040

Block: 290470223021041

Block: 290470223021042

Block: 290470223021043

Block: 290470223021044

Block: 290470223021045

Block: 290470223021046

Block: 290470223021047

Block: 290470223021049

Block: 290470223021051

Block: 290470223021052

Block: 290470223021053

Block: 290470223021054

Block: 290470223021055

Block: 290470223021056

VTD: Gal 1

VTD: Gal 10

VTD: Gal 11

VTD: Gal 12

VTD: Gal 13

VTD: Gal 14

VTD: Gal 15

VTD: Gal 16

VTD: Gal 18

VTD: Gal 2

VTD: Gal 3

VTD: Gal 4

VTD: Gal 5

VTD: Gal 6

VTD: Gal 7

VTD: Gal 9

VTD: KC 21-10

VTD: KC 21-11

VTD: KC 21-12 (part)

Block: 290470212053030

Block: 290470212062000

Block: 290470212062001

Block: 290470212062002

Block: 290470212062003

Block: 290470212062004

Block: 290470212062005

Block: 290470212062006

Block: 290470212062007

Block: 290470212062008

Block: 290470212062009

Block: 290470212062010

Block: 290470212062011

Block: 290470212062012

Block: 290470212062013

Block: 290470212062014

Block: 290470212062015

Block: 290470212062016

Block: 290470212062017

Block: 290470212062018

Block: 290470212062019

Block: 290470212062020

Block: 290470212062021

Block: 290470212062022

Block: 290470212062023

Block: 290470212062024

Block: 290470212062025

Block: 290470212062026

Block: 290470212062027

Block: 290470212062028

Block: 290470212062029
Block: 290470212062030
Block: 290470212062031
Block: 290470212062032
Block: 290470212062033
Block: 290470212062034
Block: 290470212062035
Block: 290470212062036
Block: 290470212062037
Block: 290470212062038
Block: 290470212062039
Block: 290470212062040
Block: 290470212062041
Block: 290470212062042
Block: 290470212062043
Block: 290470212062044
Block: 290470212062045
Block: 290470212063001
Block: 290470212063002
Block: 290470212063003
Block: 290470212063004
Block: 290470212063005
Block: 290470212063006
Block: 290470212063007
Block: 290470212063008
Block: 290470212063009
Block: 290470212063012
Block: 290470212063013
Block: 290470212063014
Block: 290470212063015
Block: 290470212063016
Block: 290470212063017
Block: 290470212063018
Block: 290470212063019
Block: 290470212063020
Block: 290470212063021

Block: 290470212063024

Block: 290470212063025

Block: 290470212063026

Block: 290470212063027

VTD: KC 21-14

VTD: KC 21-16 (part)

Block: 290470212051000

Block: 290470212051001

Block: 290470212051002

Block: 290470212051003

Block: 290470212051004

Block: 290470212051005

Block: 290470212051006

Block: 290470212051007

Block: 290470212051008

Block: 290470212051009

Block: 290470212051010

Block: 290470212051011

Block: 290470212051012

Block: 290470212051013

Block: 290470212051014

Block: 290470212051015

Block: 290470212051016

Block: 290470212051017

Block: 290470212051018

Block: 290470212051019

Block: 290470212051020

Block: 290470212051021

Block: 290470212051022

Block: 290470212051023

Block: 290470212051024

Block: 290470212051025

Block: 290470212051026

Block: 290470212051027

Block: 290470212051028

Block: 290470212051029

Block: 290470212051030
Block: 290470212051032
Block: 290470212052011
Block: 290470212052021
Block: 290470212052022
Block: 290470212052023
Block: 290470212052024
Block: 290470212052026
Block: 290470212052027
Block: 290470212052028
Block: 290470212052029
Block: 290470212052030
Block: 290470212052034
Block: 290470212071014
Block: 290470212071015
Block: 290470212071016
Block: 290470212071017
Block: 290470212071018
Block: 290470212071019
Block: 290470212071020
Block: 290470212071021
Block: 290470212071022
Block: 290470212071023
Block: 290470212071024
Block: 290470212071025
Block: 290470212071026
Block: 290470212071027
Block: 290470212071029
Block: 290470212071030
Block: 290470212071031
Block: 290470212071032
Block: 290470212071033
Block: 290470212071034
Block: 290470212071035
Block: 290470212071036
Block: 290470212071037

Block: 290470212071038

Block: 290470212071039

Block: 290470212071040

Block: 290470212071041

Block: 290470212071042

Block: 290470212071043

Block: 290470212071044

Block: 290470212071045

Block: 290470212071046

Block: 290470212071047

Block: 290470212071048

Block: 290470212071049

Block: 290470212071050

Block: 290470212071051

Block: 290470212071053

Block: 290470212071054

Block: 290470212071055

Block: 290470212072030

Block: 290470212072040

Block: 290470212072041

VTD: KC 21-18

VTD: KC 21-19

VTD: KC 21-2 (part)

Block: 290470221002069

VTD: KC 21-20

VTD: KC 21-21

VTD: KC 21-22

VTD: KC 21-23

VTD: KC 21-24

VTD: KC 21-25

VTD: KC 21-3

VTD: KC 21-4

VTD: KC 21-5

VTD: KC 21-6

VTD: KC 21-7

VTD: KC 21-8

VTD: KC 21-9

VTD: Lib 13 (part)

Block: 290470222002030

VTD: Lib 5 (part)

Block: 290470208012016

Jackson MO County (part)

VTD: Blue Sub 1 No. 1

VTD: Blue Sub 1 No. 10

VTD: Blue Sub 1 No. 11 & 11A

VTD: Blue Sub 1 No. 12

VTD: Blue Sub 1 No. 13

VTD: Blue Sub 1 No. 14

VTD: Blue Sub 1 No. 18

VTD: Blue Sub 1 No. 2

VTD: Blue Sub 1 No. 4 & 4A

VTD: Blue Sub 1 No. 5

VTD: Blue Sub 1 No. 6 & 6B

VTD: Blue Sub 1 No. 6A

VTD: Blue Sub 1 No. 7

VTD: Blue Sub 1 No. 8,15,& 16

VTD: Blue Sub 1 No. 9

VTD: Blue Sub 2 No. 1

VTD: Blue Sub 2 No. 10

VTD: Blue Sub 2 No. 2

VTD: Blue Sub 2 No. 3

VTD: Blue Sub 2 No. 3A

VTD: Blue Sub 2 No. 4

VTD: Blue Sub 2 No. 5

VTD: Blue Sub 2 No. 6

VTD: Blue Sub 2 No. 7

VTD: Blue Sub 2 No. 8

VTD: Blue Sub 2 No. 9

VTD: Blue Sub 3 No. 1

VTD: Blue Sub 3 No. 11 (part)

Block: 290950147021001

Block: 290950147021003

Block: 290950148041013

Block: 290950148041023

VTD: Blue Sub 3 No. 14,15,15N,17N,& 18N

VTD: Blue Sub 3 No. 15A

VTD: Blue Sub 3 No. 16 & 16A

VTD: Blue Sub 3 No. 2

VTD: Blue Sub 3 No. 3

VTD: Blue Sub 3 No. 4

VTD: Blue Sub 3 No. 5

VTD: Blue Sub 3 No. 5A

VTD: Blue Sub 3 No. 9

VTD: Blue Sub 4 No. 1

VTD: Blue Sub 4 No. 10

VTD: Blue Sub 4 No. 11

VTD: Blue Sub 4 No. 12

VTD: Blue Sub 4 No. 2

VTD: Blue Sub 4 No. 3

VTD: Blue Sub 4 No. 4

VTD: Blue Sub 4 No. 5

VTD: Blue Sub 4 No. 6

VTD: Blue Sub 4 No. 7

VTD: Blue Sub 4 No. 8

VTD: Blue Sub 4 No. 9

VTD: Blue Sub 5 No. 1

VTD: Blue Sub 5 No. 11

VTD: Blue Sub 5 No. 13

VTD: Blue Sub 5 No. 14

VTD: Blue Sub 5 No. 15

VTD: Blue Sub 5 No. 2

VTD: Blue Sub 5 No. 3

VTD: Blue Sub 5 No. 4

VTD: Blue Sub 5 No. 5 & 12

VTD: Blue Sub 5 No. 6

VTD: Blue Sub 5 No. 7

VTD: Blue Sub 5 No. 8

VTD: Blue Sub 5 No. 9

VTD: Blue Sub 6 No. 1
VTD: Blue Sub 6 No. 10
VTD: Blue Sub 6 No. 11
VTD: Blue Sub 6 No. 12
VTD: Blue Sub 6 No. 2
VTD: Blue Sub 6 No. 3
VTD: Blue Sub 6 No. 4
VTD: Blue Sub 6 No. 5
VTD: Blue Sub 6 No. 5A
VTD: Blue Sub 6 No. 6
VTD: Blue Sub 6 No. 6A
VTD: Blue Sub 6 No. 7 & 7N
VTD: Blue Sub 6 No. 8
VTD: Blue Sub 6 No. 8A
VTD: Blue Sub 6 No. 9
VTD: Blue Sub 7 No. 1
VTD: Blue Sub 7 No. 10
VTD: Blue Sub 7 No. 11
VTD: Blue Sub 7 No. 12
VTD: Blue Sub 7 No. 13
VTD: Blue Sub 7 No. 14
VTD: Blue Sub 7 No. 2
VTD: Blue Sub 7 No. 2A
VTD: Blue Sub 7 No. 3
VTD: Blue Sub 7 No. 4
VTD: Blue Sub 7 No. 5 & 5A
VTD: Blue Sub 7 No. 6
VTD: Blue Sub 7 No. 7
VTD: Blue Sub 7 No. 8
VTD: Blue Sub 7 No. 9
VTD: Blue Sub 8 No. 1
VTD: Blue Sub 8 No. 10 & 10A
VTD: Blue Sub 8 No. 11 (part)
Block: 290950145012022
Block: 290950145012027
Block: 290950145021000

Block: 290950145021001

Block: 290950145021002

Block: 290950145021005

Block: 290950145021008

Block: 290950145021009

Block: 290950145021012

Block: 290950145021013

Block: 290950145021015

Block: 290950145021016

Block: 290950145021017

Block: 290950145021018

Block: 290950145022035

Block: 290950145022036

Block: 290950145022037

Block: 290950145022038

Block: 290950145022039

Block: 290950145022040

Block: 290950145022041

Block: 290950145022071

VTD: Blue Sub 8 No. 12,12A,& 12B (part)

Block: 290950145012000

Block: 290950145012001

Block: 290950145012002

Block: 290950145012003

Block: 290950145012004

Block: 290950145012005

Block: 290950145012006

Block: 290950145012007

Block: 290950145012008

Block: 290950145012009

Block: 290950145012010

Block: 290950145012011

Block: 290950145012012

Block: 290950145012013

Block: 290950145012014

Block: 290950145012015

Block: 290950145012018

Block: 290950145012019

Block: 290950145012020

Block: 290950145012021

Block: 290950145012034

Block: 290950145012035

Block: 290950145022028

Block: 290950145022029

Block: 290950145022030

Block: 290950145022031

Block: 290950145022032

Block: 290950145022033

Block: 290950145022034

Block: 290950146032029

Block: 290950146043026

Block: 290950146043027

VTD: Blue Sub 8 No. 13 & 13N

VTD: Blue Sub 8 No. 2

VTD: Blue Sub 8 No. 2A

VTD: Blue Sub 8 No. 3

VTD: Blue Sub 8 No. 5 & 5A

VTD: Blue Sub 8 No. 6

VTD: Blue Sub 8 No. 7

VTD: Blue Sub 8 No. 8

VTD: Blue Sub 8 No. 9

VTD: Blue Sub 8 No. 9A

VTD: Brooking No. 1

VTD: Brooking No. 10

VTD: Brooking No. 11

VTD: Brooking No. 12

VTD: Brooking No. 13

VTD: Brooking No. 14

VTD: Brooking No. 15

VTD: Brooking No. 16

VTD: Brooking No. 17

VTD: Brooking No. 18

VTD: Brooking No. 19
VTD: Brooking No. 2 & 2A
VTD: Brooking No. 20
VTD: Brooking No. 21
VTD: Brooking No. 22 & 22A
VTD: Brooking No. 23
VTD: Brooking No. 24
VTD: Brooking No. 25
VTD: Brooking No. 26
VTD: Brooking No. 27
VTD: Brooking No. 28
VTD: Brooking No. 3
VTD: Brooking No. 4
VTD: Brooking No. 5
VTD: Brooking No. 6
VTD: Brooking No. 7
VTD: Brooking No. 8
VTD: Brooking No. 9
VTD: Brooking No. 9A
VTD: Fort Osage No. 1,1A,2,& 3 (part)
Block: 290950177003027
Block: 290950177003028
Block: 290950177003063
Block: 290950177003064
Block: 290950177003071
Block: 290950177003078
VTD: KC WD1 PCT101
VTD: KC WD1 PCT102
VTD: KC WD1 PCT103
VTD: KC WD1 PCT104
VTD: KC WD1 PCT105
VTD: KC WD1 PCT106
VTD: KC WD1 PCT107
VTD: KC WD1 PCT108
VTD: KC WD1 PCT109
VTD: KC WD1 PCT110

VTD: KC WD1 PCT111
VTD: KC WD1 PCT511
VTD: KC WD10 PCT1001
VTD: KC WD10 PCT1002
VTD: KC WD10 PCT1003
VTD: KC WD10 PCT1004
VTD: KC WD10 PCT1005
VTD: KC WD10 PCT1006
VTD: KC WD10 PCT1008
VTD: KC WD10 PCT1009
VTD: KC WD10 PCT1010
VTD: KC WD10 PCT1011
VTD: KC WD10 PCT1012
VTD: KC WD10 PCT1013
VTD: KC WD10 PCT1014
VTD: KC WD10 PCT1015
VTD: KC WD10 PCT2201
VTD: KC WD11 PCT1101
VTD: KC WD11 PCT1102
VTD: KC WD11 PCT1103
VTD: KC WD11 PCT1104
VTD: KC WD11 PCT1105
VTD: KC WD11 PCT1106
VTD: KC WD11 PCT1107
VTD: KC WD11 PCT1108
VTD: KC WD11 PCT1109
VTD: KC WD11 PCT1110
VTD: KC WD11 PCT1209
VTD: KC WD12 PCT1201
VTD: KC WD12 PCT1202
VTD: KC WD12 PCT1203
VTD: KC WD12 PCT1204
VTD: KC WD12 PCT1205
VTD: KC WD12 PCT1206
VTD: KC WD12 PCT1207
VTD: KC WD12 PCT1208

VTD: KC WD12 PCT1210
VTD: KC WD12 PCT1305
VTD: KC WD12 PCT1306
VTD: KC WD12 PCT1307
VTD: KC WD12 PCT1308
VTD: KC WD12 PCT1309
VTD: KC WD12 PCT1310
VTD: KC WD13 PCT1301
VTD: KC WD13 PCT1302
VTD: KC WD13 PCT1303
VTD: KC WD13 PCT1304
VTD: KC WD13 PCT1501
VTD: KC WD13 PCT1502
VTD: KC WD14 PCT1401
VTD: KC WD14 PCT1402
VTD: KC WD14 PCT1403
VTD: KC WD14 PCT1404
VTD: KC WD14 PCT1405
VTD: KC WD14 PCT1406
VTD: KC WD14 PCT1407
VTD: KC WD14 PCT1408
VTD: KC WD14 PCT1409
VTD: KC WD14 PCT1410
VTD: KC WD14 PCT1411
VTD: KC WD14 PCT1412
VTD: KC WD14 PCT1413
VTD: KC WD15 PCT1414
VTD: KC WD15 PCT1503
VTD: KC WD15 PCT1504
VTD: KC WD15 PCT1505
VTD: KC WD15 PCT1506
VTD: KC WD15 PCT1507
VTD: KC WD15 PCT1508
VTD: KC WD15 PCT1509
VTD: KC WD15 PCT1512
VTD: KC WD15 PCT1513

VTD: KC WD15 PCT1514
VTD: KC WD15 PCT311
VTD: KC WD15 PCT314
VTD: KC WD15 PCT718
VTD: KC WD16 PCT1511
VTD: KC WD16 PCT1601
VTD: KC WD16 PCT1602
VTD: KC WD16 PCT1603
VTD: KC WD16 PCT1604
VTD: KC WD16 PCT1605
VTD: KC WD16 PCT1607
VTD: KC WD16 PCT1608
VTD: KC WD16 PCT1609
VTD: KC WD16 PCT1610
VTD: KC WD16 PCT1611
VTD: KC WD16 PCT1612
VTD: KC WD16 PCT1613
VTD: KC WD16 PCT1614
VTD: KC WD16 PCT1615
VTD: KC WD16 PCT1616
VTD: KC WD16 PCT717
VTD: KC WD17 PCT1606
VTD: KC WD17 PCT1617
VTD: KC WD17 PCT1618
VTD: KC WD17 PCT1701
VTD: KC WD17 PCT1702
VTD: KC WD17 PCT1703
VTD: KC WD17 PCT1704
VTD: KC WD17 PCT1705
VTD: KC WD17 PCT1706
VTD: KC WD17 PCT1707
VTD: KC WD17 PCT1708
VTD: KC WD17 PCT1712
VTD: KC WD17 PCT1814
VTD: KC WD18 PCT1801
VTD: KC WD18 PCT1802

VTD: KC WD18 PCT1803

VTD: KC WD18 PCT1804

VTD: KC WD18 PCT1805

VTD: KC WD18 PCT1806

VTD: KC WD18 PCT1807

VTD: KC WD18 PCT1808

VTD: KC WD18 PCT1809

VTD: KC WD18 PCT1810

VTD: KC WD18 PCT1812

VTD: KC WD18 PCT1813

VTD: KC WD18 PCT1816

VTD: KC WD19 PCT1709

VTD: KC WD19 PCT1710

VTD: KC WD19 PCT1815

VTD: KC WD19 PCT1817

VTD: KC WD19 PCT1903

VTD: KC WD19 PCT1905

VTD: KC WD19 PCT1906

VTD: KC WD19 PCT1907

VTD: KC WD19 PCT1908

VTD: KC WD19 PCT1909

VTD: KC WD19 PCT1910

VTD: KC WD19 PCT1911

VTD: KC WD19 PCT1912

VTD: KC WD19 PCT1913

VTD: KC WD19 PCT1914

VTD: KC WD19 PCT1916

VTD: KC WD19 PCT1917

VTD: KC WD19 PCT1918

VTD: KC WD19 PCT1919

VTD: KC WD19 PCT903

VTD: KC WD19 PCT912

VTD: KC WD2 PCT201

VTD: KC WD2 PCT202

VTD: KC WD2 PCT203

VTD: KC WD2 PCT204

VTD: KC WD2 PCT205
VTD: KC WD2 PCT206
VTD: KC WD2 PCT207
VTD: KC WD2 PCT208
VTD: KC WD2 PCT209
VTD: KC WD2 PCT210
VTD: KC WD2 PCT211
VTD: KC WD2 PCT212
VTD: KC WD2 PCT213
VTD: KC WD2 PCT214
VTD: KC WD2 PCT215
VTD: KC WD2 PCT216
VTD: KC WD20 PCT1901
VTD: KC WD20 PCT2002
VTD: KC WD20 PCT2003
VTD: KC WD20 PCT2004
VTD: KC WD20 PCT2005
VTD: KC WD20 PCT2006
VTD: KC WD20 PCT2007
VTD: KC WD20 PCT2008
VTD: KC WD20 PCT2009
VTD: KC WD20 PCT2010
VTD: KC WD22 PCT1007
VTD: KC WD22 PCT2202
VTD: KC WD22 PCT2203
VTD: KC WD22 PCT2204
VTD: KC WD22 PCT2205
VTD: KC WD22 PCT2206
VTD: KC WD22 PCT2207
VTD: KC WD22 PCT2208
VTD: KC WD22 PCT2209
VTD: KC WD22 PCT2210
VTD: KC WD22 PCT2211
VTD: KC WD22 PCT2212
VTD: KC WD22 PCT2213
VTD: KC WD23 PCT2301

VTD: KC WD23 PCT2302
VTD: KC WD23 PCT2303
VTD: KC WD23 PCT2304
VTD: KC WD23 PCT2305
VTD: KC WD23 PCT2306
VTD: KC WD23 PCT2307
VTD: KC WD23 PCT2308
VTD: KC WD23 PCT2309
VTD: KC WD23 PCT2310
VTD: KC WD23 PCT2311
VTD: KC WD23 PCT2312
VTD: KC WD23 PCT2313
VTD: KC WD23 PCT2314
VTD: KC WD23 PCT2315
VTD: KC WD23 PCT2316
VTD: KC WD23 PCT2317
VTD: KC WD23 PCT2318
VTD: KC WD24 PCT2401
VTD: KC WD24 PCT2402
VTD: KC WD24 PCT2403
VTD: KC WD24 PCT2404
VTD: KC WD24 PCT2405
VTD: KC WD24 PCT2407 (part)
Block: 290950142032014
Block: 290950142042013
Block: 290950143002029
Block: 290950143002030
VTD: KC WD24 PCT2408 (part)
Block: 290950142042014
Block: 290950142042050
Block: 290950142043043
Block: 290950143003000
Block: 290950143003001
Block: 290950143003006
Block: 290950143003007
Block: 290950143003008

Block: 290950143003009
Block: 290950143003010
Block: 290950143003011
Block: 290950143003012
Block: 290950143003013
Block: 290950143003015
Block: 290950143003016
Block: 290950143003017
Block: 290950143003018
Block: 290950143003019
Block: 290950143003020
Block: 290950143003021
Block: 290950143003035
Block: 290950143003036
Block: 290950143003037
Block: 290950143003038
Block: 290950143003039
Block: 290950143003040
Block: 290950143003054
Block: 290950143003055
Block: 290950176004028
VTD: KC WD24 PCT2409
VTD: KC WD24 PCT2410
VTD: KC WD24 PCT2412
VTD: KC WD24 PCT2413
VTD: KC WD24 PCT2414
VTD: KC WD24 PCT2415
VTD: KC WD24 PCT2416
VTD: KC WD24 PCT2417
VTD: KC WD24 PCT2418
VTD: KC WD24 PCT2419
VTD: KC WD24 PCT2420
VTD: KC WD24 PCT2421
VTD: KC WD24 PCT2422
VTD: KC WD24 PCT2424
VTD: KC WD24 PCT2425

VTD: KC WD24 PCT2426
VTD: KC WD24 PCT2427
VTD: KC WD24 PCT2428
VTD: KC WD24 PCT2429
VTD: KC WD24 PCT2430
VTD: KC WD24 PCT2431
VTD: KC WD24 PCT2432
VTD: KC WD24 PCT2601
VTD: KC WD25 PCT2001
VTD: KC WD25 PCT2501
VTD: KC WD25 PCT2503
VTD: KC WD25 PCT2504
VTD: KC WD25 PCT2505
VTD: KC WD25 PCT2506
VTD: KC WD25 PCT2507
VTD: KC WD25 PCT2508
VTD: KC WD25 PCT2509
VTD: KC WD25 PCT2510
VTD: KC WD25 PCT2511
VTD: KC WD25 PCT2602
VTD: KC WD26 PCT1711
VTD: KC WD26 PCT1902
VTD: KC WD26 PCT2502
VTD: KC WD26 PCT2603
VTD: KC WD26 PCT2604
VTD: KC WD26 PCT2605
VTD: KC WD26 PCT2606
VTD: KC WD26 PCT2607
VTD: KC WD26 PCT2608
VTD: KC WD26 PCT2609
VTD: KC WD26 PCT2610
VTD: KC WD26 PCT2611
VTD: KC WD26 PCT2612
VTD: KC WD3 PCT301
VTD: KC WD3 PCT302
VTD: KC WD3 PCT303

VTD: KC WD3 PCT304
VTD: KC WD3 PCT305
VTD: KC WD3 PCT306
VTD: KC WD3 PCT307
VTD: KC WD3 PCT308
VTD: KC WD3 PCT309
VTD: KC WD3 PCT310
VTD: KC WD3 PCT312
VTD: KC WD3 PCT313
VTD: KC WD3 PCT716
VTD: KC WD4 PCT401
VTD: KC WD4 PCT402
VTD: KC WD4 PCT403
VTD: KC WD4 PCT404
VTD: KC WD4 PCT405
VTD: KC WD4 PCT406
VTD: KC WD4 PCT407
VTD: KC WD4 PCT408
VTD: KC WD4 PCT409
VTD: KC WD5 PCT410
VTD: KC WD5 PCT502
VTD: KC WD5 PCT503
VTD: KC WD5 PCT504
VTD: KC WD5 PCT505
VTD: KC WD5 PCT506
VTD: KC WD5 PCT507
VTD: KC WD5 PCT508
VTD: KC WD5 PCT509
VTD: KC WD5 PCT510
VTD: KC WD6 PCT501
VTD: KC WD6 PCT601
VTD: KC WD6 PCT602
VTD: KC WD6 PCT603
VTD: KC WD6 PCT604
VTD: KC WD6 PCT605
VTD: KC WD6 PCT606

VTD: KC WD6 PCT607
VTD: KC WD6 PCT608
VTD: KC WD6 PCT609
VTD: KC WD6 PCT610
VTD: KC WD6 PCT611
VTD: KC WD6 PCT612
VTD: KC WD6 PCT801
VTD: KC WD7 PCT701
VTD: KC WD7 PCT702
VTD: KC WD7 PCT703
VTD: KC WD7 PCT704
VTD: KC WD7 PCT705
VTD: KC WD7 PCT706
VTD: KC WD7 PCT707
VTD: KC WD7 PCT708
VTD: KC WD7 PCT709
VTD: KC WD7 PCT710
VTD: KC WD7 PCT711
VTD: KC WD7 PCT712
VTD: KC WD7 PCT713
VTD: KC WD7 PCT714
VTD: KC WD7 PCT715
VTD: KC WD7 PCT719
VTD: KC WD8 PCT613
VTD: KC WD8 PCT802
VTD: KC WD8 PCT803
VTD: KC WD8 PCT804
VTD: KC WD8 PCT805
VTD: KC WD8 PCT806
VTD: KC WD8 PCT807
VTD: KC WD8 PCT808
VTD: KC WD8 PCT809
VTD: KC WD8 PCT810
VTD: KC WD8 PCT811
VTD: KC WD8 PCT813
VTD: KC WD9 PCT1904

VTD: KC WD9 PCT812
VTD: KC WD9 PCT901
VTD: KC WD9 PCT902
VTD: KC WD9 PCT904
VTD: KC WD9 PCT905
VTD: KC WD9 PCT906
VTD: KC WD9 PCT907
VTD: KC WD9 PCT908
VTD: KC WD9 PCT909
VTD: KC WD9 PCT910
VTD: KC WD9 PCT911
VTD: Prairie No. 1
VTD: Prairie No. 10,11,& 12
VTD: Prairie No. 13
VTD: Prairie No. 13A
VTD: Prairie No. 14
VTD: Prairie No. 15
VTD: Prairie No. 16
VTD: Prairie No. 17
VTD: Prairie No. 18 & 19
VTD: Prairie No. 2
VTD: Prairie No. 20
VTD: Prairie No. 20A & 20B
VTD: Prairie No. 20C
VTD: Prairie No. 21
VTD: Prairie No. 22
VTD: Prairie No. 23
VTD: Prairie No. 24,24B,25A,68
VTD: Prairie No. 24A
VTD: Prairie No. 24C
VTD: Prairie No. 25
VTD: Prairie No. 3
VTD: Prairie No. 37
VTD: Prairie No. 37A
VTD: Prairie No. 38
VTD: Prairie No. 39

VTD: Prairie No. 39A

VTD: Prairie No. 4

VTD: Prairie No. 40

VTD: Prairie No. 40A & 44A (part)

Block: 290950179003002

VTD: Prairie No. 43 & 79 (part)

Block: 290950142043051

Block: 290950142043052

Block: 290950142043054

Block: 290950142043056

Block: 290950143003028

Block: 290950179003004

VTD: Prairie No. 45 (part)

Block: 290950137031000

Block: 290950137031001

Block: 290950137031002

Block: 290950137031003

Block: 290950137031004

Block: 290950137031005

Block: 290950137031006

Block: 290950137031007

Block: 290950137031008

Block: 290950137031009

Block: 290950137031010

Block: 290950137032013

Block: 290950137032017

Block: 290950137032018

Block: 290950137033006

Block: 290950137033007

Block: 290950137033012

Block: 290950137033013

Block: 290950137033014

Block: 290950137033015

Block: 290950137033016

Block: 290950137033030

Block: 290950137033031

Block: 290950137033032

Block: 290950137033033

Block: 290950137033034

Block: 290950137033035

Block: 290950137033036

Block: 290950137033037

Block: 290950137033038

Block: 290950137033047

Block: 290950137033048

Block: 290950137033051

VTD: Prairie No. 5

VTD: Prairie No. 50

VTD: Prairie No. 50A

VTD: Prairie No. 50B

VTD: Prairie No. 50C,58,58A,58B,58C,58D,58E,58F,& 76

VTD: Prairie No. 50D

VTD: Prairie No. 51

VTD: Prairie No. 51A

VTD: Prairie No. 51B,51N,63,63A,63C,65,65A,65N,77,77A,77B,& 77N

VTD: Prairie No. 52

VTD: Prairie No. 52A

VTD: Prairie No. 53

VTD: Prairie No. 59,59N,60,61,75B,75D,75E,75F,& 75G (part)

Block: 290950139011031

Block: 290950139011032

Block: 290950139011033

Block: 290950139011034

Block: 290950139011035

Block: 290950139011036

Block: 290950139011042

Block: 290950141121045

Block: 290950141121059

VTD: Prairie No. 6

VTD: Prairie No. 62,71,74,75,75A,75C,& 75N (part)

Block: 290950139011044

Block: 290950139011045

Block: 290950139011065

VTD: Prairie No. 7

VTD: Prairie No. 8 & 8B

VTD: Prairie No. 8A

VTD: Prairie No. 9

VTD: Sni-A-Bar No. 1,1B,& 1C (part)

Block: 290950145022002

Block: 290950145022010

Block: 290950145022011

Block: 290950145022020

Block: 290950145022044

VTD: Sni-A-Bar No. 10 (part)

Block: 290950141011005

VTD: Sni-A-Bar No. 14,75N,& 75X (part)

Block: 290950141011003

Block: 290950141011004

Block: 290950141011006

Block: 290950141011007

Block: 290950141011008

Block: 290950141011009

Block: 290950141011010

Block: 290950141011011

Block: 290950141011012

Block: 290950141011013

Block: 290950141011014

Block: 290950141011030

Block: 290950141011032

Block: 290950141011033

Block: 290950141011034

Block: 290950141011035

VTD: Sni-A-Bar No. 14A & 75A (part)

Block: 290950141011019

Block: 290950141011027

Block: 290950141011028

Block: 290950141011029

Block: 290950141011059

Block: 290950141013000

Block: 290950141013001

Block: 290950141013002

Block: 290950141013003

Block: 290950141013009

Block: 290950141013010

Block: 290950141013013

Block: 290950141013014

Block: 290950141013015

Block: 290950141055012

Block: 290950141055013

VTD: Sni-A-Bar No. 15 & 15A

VTD: Sni-A-Bar No. 15B

VTD: Sni-A-Bar No. 16,83,& 93

VTD: Sni-A-Bar No. 22 (part)

Block: 290950141012002

Block: 290950141012003

Block: 290950141012007

Block: 290950141012008

Block: 290950141012009

Block: 290950141012010

Block: 290950141012011

Block: 290950141012012

Block: 290950141012013

Block: 290950141012014

Block: 290950141012015

Block: 290950141012016

Block: 290950141014000

Block: 290950141014001

Block: 290950141014002

Block: 290950141014004

Block: 290950141014005

Block: 290950141014006

Block: 290950141014009

Block: 290950141014010

Block: 290950141014024

Block: 290950141014025

VTD: Sni-A-Bar No. 23 (part)

Block: 290950141014035

Block: 290950141014036

Block: 290950141014037

Block: 290950141014040

Block: 290950141014041

Block: 290950141014042

Block: 290950141014043

Block: 290950141014044

Block: 290950141014045

Block: 290950141014046

Block: 290950141014050

VTD: Sni-A-Bar No. 23A

VTD: Sni-A-Bar No. 24 (part)

Block: 290950141014007

Block: 290950141014008

Block: 290950141014011

Block: 290950141014012

Block: 290950141014017

Block: 290950141014018

Block: 290950141014019

Block: 290950141014020

Block: 290950141014021

Block: 290950141014022

Block: 290950141014023

Block: 290950141014026

Block: 290950141014027

Block: 290950141014028

Block: 290950141014029

Block: 290950141014030

Block: 290950141014031

Block: 290950141014032

Block: 290950141014033

Block: 290950141014038

Block: 290950141014039

VTD: Sni-A-Bar No. 27 (part)**Block: 290950141014048****Block: 290950141014049****Block: 290950141144000****Block: 290950141144001****Block: 290950141144002****Block: 290950141144006****Block: 290950141144009****Block: 290950141144015****Block: 290950141144016****Block: 290950141144017****Block: 290950141144018****Block: 290950141144019****Block: 290950141144020****Block: 290950141144021****Block: 290950141144022****VTD: Sni-A-Bar No. 31****VTD: Sni-A-Bar No. 31A,67,78A,& 78B (part)****Block: 290950141051011****Block: 290950141051012****Block: 290950141051013****Block: 290950141051022****Block: 290950141053001****Block: 290950141053002****Block: 290950141054000****Block: 290950141054001****Block: 290950141054003****Block: 290950141054004****Block: 290950141054005****Block: 290950141054013****Block: 290950141054014****Block: 290950141054015****Block: 290950141054016****Block: 290950141054017****Block: 290950141055018****Block: 290950141055020**

Block: 290950141055022

Block: 290950141055026

Block: 290950141055027

Block: 290950141055030

Block: 290950141055035

Block: 290950141055036

Block: 290950141055037

Block: 290950141055038

Block: 290950141055039

Block: 290950141055040

Block: 290950141055042

Block: 290950141055046

Block: 290950141055057

Block: 290950141055058

Block: 290950141055059

Block: 290950141055068

Block: 290950141055069

VTD: Sni-A-Bar No. 31B

VTD: Sni-A-Bar No. 32 & 78N (part)

Block: 290950141054028

VTD: Sni-A-Bar No. 35 (part)

Block: 290950141055070

VTD: Sni-A-Bar No. 36,36A,& 79A (part)

Block: 290950141111004

Block: 290950141111015

VTD: Sni-A-Bar No. 40 & 40B

VTD: Sni-A-Bar No. 40A & 41

VTD: Sni-A-Bar No. 40D & 40E

VTD: Sni-A-Bar No. 42,42N,42X,42Y,42Z,44,44X,44Z,45,45A,45B,47,48,& 81C (part)

Block: 290950140021003

Block: 290950140021010

Block: 290950140021022

Block: 290950140021023

Block: 290950140071048

Block: 290950140071049

Block: 290950140071050

Block: 290950140071051

Block: 290950140071052

Block: 290950140071053

Block: 290950140071058

Block: 290950140071059

Block: 290950140071060

Block: 290950140071061

Block: 290950140071062

Block: 290950140071063

Block: 290950140071064

Block: 290950140071066

Block: 290950140071067

Block: 290950140071068

Block: 290950140071069

Block: 290950140071070

Block: 290950140071082

Block: 290950140071083

Block: 290950140071085

Block: 290950140071086

Block: 290950140071088

Block: 290950140071093

Block: 290950140071094

Block: 290950140071095

Block: 290950141011017

Block: 290950141011018

Block: 290950141011021

VTD: Sni-A-Bar No. 50 & 91 (part)

Block: 290950140042006

Block: 290950140042007

Block: 290950140042008

Block: 290950140042009

Block: 290950140042010

Block: 290950140042011

Block: 290950140042012

Block: 290950140042013

Block: 290950140042014

Block: 290950140042024

Block: 290950140042025

Block: 290950140042026

Block: 290950140042027

Block: 290950140042028

Block: 290950140042029

Block: 290950140042030

Block: 290950140042031

Block: 290950140042032

Block: 290950140042033

Block: 290950140042034

Block: 290950140042038

Block: 290950140042039

Block: 290950140042040

Block: 290950140042041

Block: 290950140042044

Block: 290950140051001

Block: 290950140051002

Block: 290950140051003

Block: 290950140051004

Block: 290950140051006

Block: 290950140051007

Block: 290950140051008

Block: 290950140051009

Block: 290950140051010

Block: 290950140051018

Block: 290950140051019

Block: 290950140051022

VTD: Sni-A-Bar No. 51,51A,& 94A

VTD: Sni-A-Bar No. 53 & 92 (part)

Block: 290950140041024

Block: 290950140041025

Block: 290950140041026

Block: 290950140041027

Block: 290950140041028

Block: 290950140041029

Block: 290950140041030

Block: 290950140041031

Block: 290950140041033

Block: 290950140041034

Block: 290950140041035

Block: 290950140041036

Block: 290950140041037

Block: 290950140041038

Block: 290950140041039

Block: 290950140042035

Block: 290950140042036

Block: 290950140042037

Block: 290950140042042

Block: 290950140042043

Block: 290950140051000

Block: 290950140052000

Block: 290950140052004

VTD: Sni-A-Bar No. 55

VTD: Sni-A-Bar No. 57

VTD: Sni-A-Bar No. 76 & 76A

VTD: Sni-A-Bar No. 77

VTD: Sni-A-Bar No. 78,78X,79,79N,84,84A,84B,84C,& 85 (part)

Block: 290950141055014

Block: 290950141055021

Block: 290950141055023

Block: 290950141055024

Block: 290950141055025

Block: 290950141055028

Block: 290950141055029

Block: 290950141055041

Block: 290950141055043

Block: 290950141055044

Block: 290950141055045

Block: 290950141055047

Block: 290950141055048

Block: 290950141055049

Block: 290950141055053

Block: 290950141055054

Block: 290950141055055

Block: 290950141055056

Block: 290950141055064

Block: 290950141055066

Block: 290950141055067

Block: 290950141111000

Block: 290950141111001

Block: 290950141111002

Block: 290950141111003

Block: 290950141111005

Block: 290950141111009

Block: 290950141111010

Block: 290950141111013

Block: 290950141111014

Block: 290950141111029

Block: 290950141111051

Block: 290950141121004

Block: 290950141121005

Block: 290950141121006

Block: 290950141121010

Block: 290950141121017

VTD: Sni-A-Bar No. 86,87,88,88A,88B,& 88C

VTD: Sni-A-Bar No. 94,94B,95,& 96

VTD: Van Buren No. 1,1A,1B,1C,2,2A,2N,& 2X (part)

Block: 290950139011003

Block: 290950139011004

Block: 290950139011005

Block: 290950139011006

Block: 290950139011007

Block: 290950139011012

Block: 290950139011022

Block: 290950139011023

Block: 290950140022047

Block: 290950140022048

Block: 290950140022049

Block: 290950140022050

Block: 290950140022051

Block: 290950140022052

Block: 290950140022053

Block: 290950140022054

Block: 290950140022055

Block: 290950140022056

Block: 290950140022057

Block: 290950140022058

Block: 290950140022059

Block: 290950140022060

Block: 290950140022061

Block: 290950140022062

Block: 290950140022063

Block: 290950140022064

Block: 290950140022065

Block: 290950141121011

Block: 290950141121013

Block: 290950141121014

Block: 290950141121015

Block: 290950141121016

Block: 290950141121018

Block: 290950141121019

Block: 290950141121031

Block: 290950141121032

Block: 290950141121033

Block: 290950141121034

Block: 290950141121035

Block: 290950141121036

Block: 290950141121037

Block: 290950141121040

Block: 290950141121041

Block: 290950141121049

Block: 290950141121051

VTD: Van Buren No. 11N,19,19A,19B,19C,19D,20N,21,21N,23,& 24

VTD: Van Buren No. 25,26,27,28,29,30,& 32

VTD: Van Buren No. 3,4,5,6,6A,7,& 8 (part)

Block: 290950139011001

Block: 290950139011009

Block: 290950139011010

Block: 290950139011011

Block: 290950139011013

Block: 290950139011014

Block: 290950139011015

Block: 290950139011016

Block: 290950139011017

Block: 290950139011018

Block: 290950139011019

Block: 290950139011020

Block: 290950139011021

Block: 290950139011024

Block: 290950139011025

Block: 290950139011026

Block: 290950139011027

Block: 290950139011028

Block: 290950139011029

Block: 290950139011030

Block: 290950139011037

Block: 290950139011038

Block: 290950139011039

Block: 290950139011040

Block: 290950139011041

Block: 290950139011043

Block: 290950139011046

Block: 290950139011047

Block: 290950139011048

Block: 290950139011049

Block: 290950139011050

Block: 290950139011052

Block: 290950139011053

Block: 290950139011054

Block: 290950139011055

Block: 290950139011056

Block: 290950139011058

Block: 290950139011059

Block: 290950139011060

Block: 290950139011069

Block: 290950139011070

Block: 290950139011074

Block: 290950139011075

Block: 290950141121050

Block: 290950141121052

Block: 290950141121060

Block: 290950141121062

VTD: Van Buren No. 31 & 33

VTD: Van Buren No. 34,35,36,& 37

VTD: Van Buren No. 38,39,40,40A,40B,40C,40D,40N,& 43

VTD: Van Buren No. 41 & 42

VTD: Van Buren No. 9,10,10A,11,11A,12,13,14,15,17,18,& 20

VTD: Washington No. 1

VTD: Washington No. 10 & 10N

VTD: Washington No. 11

VTD: Washington No. 12

VTD: Washington No. 13

VTD: Washington No. 14

VTD: Washington No. 15

VTD: Washington No. 16

VTD: Washington No. 17

VTD: Washington No. 2

VTD: Washington No. 3

VTD: Washington No. 4

VTD: Washington No. 5

VTD: Washington No. 6

VTD: Washington No. 7

VTD: Washington No. 8

VTD: Washington No. 9

Lafayette MO County

Ray MO County

Saline MO County”; and

Further amend said bill, Pages 127 to 159, Section 128.456, Lines 2 to 1368, by deleting all of said lines and inserting in lieu thereof the following:

“Adair MO County

Andrew MO County

Atchison MO County

Buchanan MO County

Caldwell MO County

Carroll MO County

Chariton MO County

Clark MO County

Clay MO County (part)

VTD: Chou 8 (part)

Block: 290470223021029

VTD: FR 1

VTD: FR 2

VTD: FR 3

VTD: FR 4

VTD: FR 5

VTD: Gal 17

VTD: KC 21 Lib 1

VTD: KC 21 Lib 2

VTD: KC 21 Lib 3

VTD: KC 21 Pl 1

VTD: KC 21-1

VTD: KC 21-12 (part)

Block: 290470212052031

Block: 290470212052032

Block: 290470212052033

Block: 290470212053000

Block: 290470212053001

Block: 290470212053002

Block: 290470212053003

Block: 290470212053004

Block: 290470212053005

Block: 290470212053006
Block: 290470212053007
Block: 290470212053008
Block: 290470212053009
Block: 290470212053010
Block: 290470212053011
Block: 290470212053012
Block: 290470212053013
Block: 290470212053014
Block: 290470212053015
Block: 290470212053016
Block: 290470212053017
Block: 290470212053018
Block: 290470212053019
Block: 290470212053020
Block: 290470212053021
Block: 290470212053022
Block: 290470212053023
Block: 290470212053024
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Block: 290470212053026
Block: 290470212053027
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Block: 290470212053031
Block: 290470212053032
Block: 290470212053033
Block: 290470212053034
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Block: 290470212063000

Block: 290470212063010

Block: 290470212063011

Block: 290470212063022

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Block: 290470213032012

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Block: 290470213032014

Block: 290470213032015

Block: 290470213032016

Block: 290470213072021

Block: 290470213072022

Block: 290470213072023

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Block: 290470213072025
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Block: 290470213072034
Block: 290470213072035
Block: 290470213072038
Block: 290470213072039
Block: 290470213073007
Block: 290470213073018
Block: 290470213073019
Block: 290470213073020
Block: 290470213073021
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Block: 290470213073042
Block: 290470213073043
Block: 290470213073044
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Block: 290470213073049
Block: 290470213073050
Block: 290470213073051
Block: 290470213073052
Block: 290470213073053
Block: 290470213073054
Block: 290470213073055
Block: 290470213073056
Block: 290470213073057
Block: 290470213091039
Block: 290470213091040
Block: 290470213091041
Block: 290470213091042
Block: 290470213091043
Block: 290470213091044
Block: 290470213091045

Block: 290470213091046

Block: 290470213091054

Block: 290470213091079

Block: 290470213091080

Block: 290470213091081

Block: 290470213091082

Block: 290470213101006

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Block: 290470213101008

Block: 290470213101013

Block: 290470213101014

Block: 290470213101015

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Block: 290470213102027

Block: 290470213102028

Block: 290470213102029

Block: 290470213102030

VTD: KC 21-13

VTD: KC 21-15

VTD: KC 21-16 (part)

Block: 290470212052001

Block: 290470212052002

VTD: KC 21-17

VTD: KC 21-2 (part)

Block: 290470202021000

Block: 290470202021001

Block: 290470202021002

Block: 290470202021003

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Block: 290470202021006

Block: 290470202021007

Block: 290470202021012

Block: 290470202021013

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Block: 290470202021021
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Block: 290470202021024
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Block: 290470202021053
Block: 290470202021055
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Block: 290470202021057
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Block: 290470202021059
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Block: 290470202021068

Block: 290470202021069

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Block: 290470202021072

Block: 290470202021073

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Block: 290470202022001

Block: 290470202022002

Block: 290470202022003

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Block: 290470202022006

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Block: 290470202022012

Block: 290470202022013

Block: 290470202022014

Block: 290470202022015

Block: 290470202022016

Block: 290470202022017

Block: 290470202022018

Block: 290470202022019

Block: 290470202022020

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Block: 290470202022023

Block: 290470202022024

Block: 290470202022025

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Block: 290470202023001
Block: 290470202023002
Block: 290470202023003
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Block: 290470202023006
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Block: 290470202023018
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Block: 290470202023038

Block: 290470202023039

Block: 290470202023040

Block: 290470203005009

Block: 290470203005010

Block: 290470203005011

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Block: 290470203005013

Block: 290470203005014

Block: 290470203005015

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Block: 290470203005056

Block: 290470203005057

Block: 290470203005058

Block: 290470203005059

Block: 290470203005060

Block: 290470203005061

Block: 290470204002019

Block: 290470204002022

Block: 290470212043019

Block: 290470221002070

Block: 290470221002071
Block: 290470221002072
Block: 290470221002073
Block: 290470221002074
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Block: 290470221002078
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Block: 290470221002099
Block: 290470221002100
Block: 290470221002101
Block: 290470221002102
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Block: 290470221002104
Block: 290470221002105
Block: 290470221002106
Block: 290470221002107
Block: 290470221002108
Block: 290470221002109
Block: 290470221002110
Block: 290470221002111

Block: 290470221002118

Block: 290470221002119

Block: 290470221002120

Block: 290470221002121

Block: 290470221002122

Block: 290470221002194

Block: 290470221002195

Block: 290470221002196

Block: 290470221002197

Block: 290470221002239

Block: 290470221002240

Block: 290470221002241

Block: 290470221002244

Block: 290470221002245

Block: 290470221002246

Block: 290470221002247

Block: 290470221002248

Block: 290470221002249

Block: 290470221002250

Block: 290470221002251

Block: 290470221002252

Block: 290470221002256

Block: 290470221002258

Block: 290470221002260

Block: 290470221002262

Block: 290470221002263

Block: 290470221002264

Block: 290470221002265

Block: 290470221002266

Block: 290470221002267

Block: 290470221002268

Block: 290470221002274

Block: 290470221002275

Block: 290470221002276

VTD: KC 21-26

VTD: Kry 1

VTD: Kry 2

VTD: Kry 3

VTD: Kry 4

VTD: Lib 1

VTD: Lib 10

VTD: Lib 11

VTD: Lib 12

VTD: Lib 13 (part)

Block: 290470222002035

Block: 290470222002036

Block: 290470222002147

Block: 290470223012024

Block: 290470223012025

Block: 290470223012026

Block: 290470223021006

Block: 290470223021016

Block: 290470223021017

Block: 290470223021018

Block: 290470223021019

Block: 290470223021020

Block: 290470223021024

Block: 290470223021025

Block: 290470223021048

Block: 290470223021050

Block: 290470223021057

Block: 290470223021058

Block: 290470223021059

Block: 290470223021060

Block: 290470223023050

Block: 290470223023052

Block: 290470223023058

Block: 290470223023059

VTD: Lib 14

VTD: Lib 2

VTD: Lib 3

VTD: Lib 4

VTD: Lib 5 (part)

Block: 290470208011005

Block: 290470208011006

Block: 290470208011007

Block: 290470208011038

Block: 290470208011039

Block: 290470208011040

Block: 290470208011046

Block: 290470208011047

Block: 290470208011048

Block: 290470208011049

Block: 290470208011050

Block: 290470208011051

Block: 290470208011056

Block: 290470208011057

Block: 290470208011058

Block: 290470208012000

Block: 290470208012001

Block: 290470208012002

Block: 290470208012003

Block: 290470208012004

Block: 290470208012005

Block: 290470208012006

Block: 290470208012007

Block: 290470208012008

Block: 290470208012010

Block: 290470208012011

Block: 290470208012012

Block: 290470208012017

Block: 290470208012018

Block: 290470208012019

Block: 290470208012020

Block: 290470208013000

Block: 290470208013001

Block: 290470208013002

Block: 290470208013003

Block: 290470208015000
Block: 290470208015001
Block: 290470208015002
Block: 290470208015003
Block: 290470208015004
Block: 290470208015005
Block: 290470208015006
Block: 290470208015007
Block: 290470208015008
Block: 290470208015009
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Block: 290470208015011
Block: 290470208015012
Block: 290470208015013
Block: 290470208015014
Block: 290470208015015
Block: 290470208015016
Block: 290470208015017
Block: 290470208015018
Block: 290470208015019
Block: 290470208015020
Block: 290470208015021
Block: 290470208015022
Block: 290470208015023
Block: 290470208015024
Block: 290470208015025
Block: 290470208015026
Block: 290470223021005
Block: 290470223021007
Block: 290470223021010
Block: 290470223021011
Block: 290470223021012
Block: 290470223021013
Block: 290470223021015
Block: 290470223021021
Block: 290470223021022

Block: 290470223021023

Block: 290470223021027

Block: 290470223021061

Block: 290470223021062

Block: 290470223021063

VTD: Lib 6

VTD: Lib 7

VTD: Lib 8

VTD: Lib 9

VTD: Pl 1

VTD: Pl 2

VTD: Pl 3

VTD: Wash 1

VTD: Wash 2

VTD: Wash 3

Clinton MO County

Daviess MO County

DeKalb MO County

Gentry MO County

Grundy MO County

Harrison MO County

Holt MO County

Jackson MO County (part)

VTD: Blue Sub 3 No. 11 (part)

Block: 290950147021004

Block: 290950148041006

Block: 290950148041009

Block: 290950148041010

Block: 290950148041014

VTD: Blue Sub 3 No. 12 & 13

VTD: Blue Sub 8 No. 11 (part)

Block: 290950145021006

Block: 290950145021014

Block: 290950145021026

VTD: Blue Sub 8 No. 12,12A,& 12B (part)

Block: 290950145022054

Block: 290950145022055

VTD: Fort Osage No. 1,1A,2,& 3 (part)

Block: 290950147021002

Block: 290950148041000

Block: 290950148041001

Block: 290950148041002

Block: 290950148041003

Block: 290950148041004

Block: 290950148041005

Block: 290950148041007

Block: 290950148041039

Block: 290950150001071

Block: 290950150001072

Block: 290950150001076

Block: 290950150001077

Block: 290950177001000

Block: 290950177001001

Block: 290950177001002

Block: 290950177001003

Block: 290950177001004

Block: 290950177001005

Block: 290950177001006

Block: 290950177001008

Block: 290950177001009

Block: 290950177001010

Block: 290950177001011

Block: 290950177001012

Block: 290950177001013

Block: 290950177001014

Block: 290950177001015

Block: 290950177001016

Block: 290950177001017

Block: 290950177001018

Block: 290950177001019

Block: 290950177001020

Block: 290950177001021

Block: 290950177001022

Block: 290950177001023

Block: 290950177001026

Block: 290950177001027

Block: 290950177001028

Block: 290950177001035

Block: 290950177001036

Block: 290950177003000

Block: 290950177003001

Block: 290950177003002

Block: 290950177003003

Block: 290950177003004

Block: 290950177003005

Block: 290950177003006

Block: 290950177003007

Block: 290950177003008

Block: 290950177003009

Block: 290950177003010

Block: 290950177003011

Block: 290950177003012

Block: 290950177003013

Block: 290950177003014

Block: 290950177003015

Block: 290950177003016

Block: 290950177003017

Block: 290950177003018

Block: 290950177003019

Block: 290950177003020

Block: 290950177003021

Block: 290950177003024

Block: 290950177003025

Block: 290950177003026

Block: 290950177003029

Block: 290950177003072

Block: 290950177003073

Block: 290950177003074

Block: 290950177003075
Block: 290950177003076
Block: 290950177003077
VTD: Fort Osage No. 11,12,& 15N
VTD: Fort Osage No. 16,17,17A,19,& 20
VTD: Fort Osage No. 21
VTD: Fort Osage No. 27 & 28
VTD: Fort Osage No. 4
VTD: Fort Osage No. 5 & 30
VTD: Fort Osage No. 6
VTD: Fort Osage No. 7,8,25,& 26
VTD: Fort Osage No. 9
VTD: KC WD24 PCT2406
VTD: KC WD24 PCT2407 (part)
Block: 290950142032009
Block: 290950142032013
VTD: KC WD24 PCT2408 (part)
Block: 290950142043041
Block: 290950142043042
Block: 290950142043044
VTD: KC WD24 PCT2423
VTD: Prairie No. 26,27,28,& 78
VTD: Prairie No. 29 & 30C
VTD: Prairie No. 30
VTD: Prairie No. 30A
VTD: Prairie No. 30B,82,& 82A
VTD: Prairie No. 31
VTD: Prairie No. 33
VTD: Prairie No. 34
VTD: Prairie No. 35
VTD: Prairie No. 40A & 44A (part)
Block: 290950179003000
Block: 290950179003005
Block: 290950179003006
Block: 290950185001051
Block: 290950186001019

Block: 290950186001023

Block: 290950186001025

Block: 290950186001026

Block: 290950186001027

Block: 290950186001028

Block: 290950186001033

Block: 290950186002004

Block: 290950186002005

Block: 290950186002006

Block: 290950186002014

Block: 290950186002015

Block: 290950186002016

VTD: Prairie No. 41,42,& 81

VTD: Prairie No. 43 & 79 (part)

Block: 290950142042033

Block: 290950142042034

Block: 290950142042051

Block: 290950142042052

Block: 290950142042053

Block: 290950142042054

Block: 290950142042055

Block: 290950142042056

Block: 290950142042057

Block: 290950142042058

Block: 290950142043030

Block: 290950142043037

Block: 290950142043038

Block: 290950142043039

Block: 290950142043040

Block: 290950142043049

Block: 290950142043050

Block: 290950142043053

Block: 290950142043055

Block: 290950143003027

Block: 290950185001048

Block: 290950185001049

Block: 290950185001050

Block: 290959891001038

Block: 290959891001039

Block: 290959891001040

Block: 290959891001043

Block: 290959891001044

VTD: Prairie No. 45 (part)

Block: 290950137032016

Block: 290950137032020

VTD: Prairie No. 46,67,67A,& 67B

VTD: Prairie No. 47

VTD: Prairie No. 48

VTD: Prairie No. 49

VTD: Prairie No. 55 & 56

VTD: Prairie No. 57,72,73,73A,73B,73C,73N,73W,& 73X

VTD: Prairie No. 59,59N,60,61,75B,75D,75E,75F,& 75G (part)

Block: 290950141121020

Block: 290950141121021

Block: 290950141121022

Block: 290950141121023

Block: 290950141121024

Block: 290950141121025

Block: 290950141121026

Block: 290950141121027

Block: 290950141121028

Block: 290950141121029

Block: 290950141121030

Block: 290950141121042

Block: 290950141121043

Block: 290950141121044

Block: 290950141121047

Block: 290950141121048

Block: 290950141121056

Block: 290950141121057

Block: 290950141201046

Block: 290950141201054

Block: 290950141201055

Block: 290950141201056

Block: 290950141201057

Block: 290950141201058

Block: 290950141201060

Block: 290950141201067

VTD: Prairie No. 62,71,74,75,75A,75C,& 75N (part)

Block: 290950139013000

Block: 290950139013001

Block: 290950139013002

Block: 290950139013003

Block: 290950139013004

Block: 290950139013005

Block: 290950139013006

Block: 290950139013008

Block: 290950139013013

Block: 290950139013015

Block: 290950139013016

Block: 290950139013019

Block: 290950139013020

Block: 290950139013021

Block: 290950139161000

Block: 290950139161001

Block: 290950139161002

Block: 290950139161003

Block: 290950141121046

Block: 290950141121058

Block: 290950141201045

Block: 290950141201047

Block: 290950141201048

Block: 290950141201049

Block: 290950141201050

Block: 290950141201053

Block: 290950141201059

Block: 290950141201061

Block: 290950141201062

Block: 290950141201063

Block: 290950141201064

Block: 290950141201065

Block: 290950141201066

Block: 290950141201068

Block: 290950141201069

Block: 290959891001045

Block: 290959891001046

Block: 290959891001047

Block: 290959891001057

Block: 290959891001058

Block: 290959891001059

Block: 290959891001060

Block: 290959891001063

Block: 290959891001066

Block: 290959891001069

VTD: Prairie No. 66 & 66F

VTD: Prairie No. 66A,66B,66C,& 66G

VTD: Prairie No. 66D & 66E

VTD: Prairie No. 69

VTD: Prairie No. 70,70A,70B,70C,& 70D

VTD: Sni-A-Bar No. 1,1B,& 1C (part)

Block: 290950145022007

Block: 290950145022008

Block: 290950145022009

Block: 290950145022017

Block: 290950145022018

Block: 290950145022019

Block: 290950145022042

Block: 290950145022043

Block: 290950145022045

Block: 290950145022046

Block: 290950145022047

Block: 290950145022048

Block: 290950145022049

Block: 290950145022050

Block: 290950145022051

Block: 290950145022052

Block: 290950145022053

Block: 290950145022060

Block: 290950145022061

Block: 290950145022062

Block: 290950145022063

Block: 290950145022064

Block: 290950145022065

Block: 290950145022066

Block: 290950145022068

Block: 290950145022070

Block: 290950193001005

Block: 290950193001006

Block: 290950193001007

Block: 290950193001008

VTD: Sni-A-Bar No. 10 (part)

Block: 290950149042003

Block: 290950149042004

Block: 290950149042005

Block: 290950149042006

Block: 290950149042007

Block: 290950149042008

Block: 290950149042009

Block: 290950149042010

Block: 290950149042011

Block: 290950149042012

Block: 290950149042013

Block: 290950149042014

Block: 290950149042018

Block: 290950149042019

Block: 290950149042020

Block: 290950149042021

Block: 290950149042022

VTD: Sni-A-Bar No. 11

VTD: Sni-A-Bar No. 11A

VTD: Sni-A-Bar No. 14,75N,& 75X (part)

Block: 290950149052013

Block: 290950149052014

Block: 290950149052015

Block: 290950149052016

Block: 290950149052017

VTD: Sni-A-Bar No. 14A & 75A (part)

Block: 290950141011015

VTD: Sni-A-Bar No. 17,17N,17X,17Z,& 69

VTD: Sni-A-Bar No. 18,68N,& 68X

VTD: Sni-A-Bar No. 19

VTD: Sni-A-Bar No. 1A

VTD: Sni-A-Bar No. 2 & 3A

VTD: Sni-A-Bar No. 20 & 70A

VTD: Sni-A-Bar No. 21,21B,70,& 71

VTD: Sni-A-Bar No. 22 (part)

Block: 290950141012001

Block: 290950141012004

Block: 290950141012005

Block: 290950141012006

Block: 290950141012017

Block: 290950141014003

Block: 290950141081014

Block: 290950141081018

VTD: Sni-A-Bar No. 23 (part)

Block: 290950141083003

Block: 290950141083004

Block: 290950141083005

Block: 290950141083006

Block: 290950141083007

Block: 290950141083008

Block: 290950141083009

Block: 290950141083010

Block: 290950141083011

Block: 290950141083012

Block: 290950141083013

Block: 290950141083014

Block: 290950141083015

Block: 290950141083016

Block: 290950141083017

Block: 290950141083018

Block: 290950141083019

Block: 290950141083024

Block: 290950141083025

Block: 290950141083026

Block: 290950141083027

Block: 290950141083028

Block: 290950141083029

Block: 290950141083030

Block: 290950141083031

Block: 290950141083032

Block: 290950141083033

Block: 290950141083036

Block: 290950141083037

Block: 290950141083040

VTD: Sni-A-Bar No. 24 (part)

Block: 290950141014013

Block: 290950141014014

Block: 290950141014015

Block: 290950141014016

Block: 290950141014034

Block: 290950141014047

Block: 290950141082019

Block: 290950141082020

Block: 290950141082021

Block: 290950141082022

Block: 290950141082023

Block: 290950141082024

Block: 290950141082026

Block: 290950141082027

Block: 290950141082028

Block: 290950141082029

Block: 290950141082030

Block: 290950141082031

Block: 290950141082032

Block: 290950141082033

Block: 290950141082034

Block: 290950141083000

Block: 290950141083001

Block: 290950141083002

Block: 290950141083020

Block: 290950141083021

Block: 290950141083022

Block: 290950141083023

VTD: Sni-A-Bar No. 25,72A,& 72B

VTD: Sni-A-Bar No. 26 & 26N

VTD: Sni-A-Bar No. 27 (part)

Block: 290950141083039

Block: 290950141144003

Block: 290950141144004

Block: 290950141144005

Block: 290950141144007

Block: 290950141144008

Block: 290950141144010

Block: 290950141144011

Block: 290950141144012

Block: 290950141144013

Block: 290950141144014

VTD: Sni-A-Bar No. 29 & 73

VTD: Sni-A-Bar No. 3 & 3B

VTD: Sni-A-Bar No. 30

VTD: Sni-A-Bar No. 30A,30B,30C,& 30D

VTD: Sni-A-Bar No. 31A,67,78A,& 78B (part)

Block: 290950141054002

Block: 290950141054010

Block: 290950141054011

Block: 290950141054012

VTD: Sni-A-Bar No. 32 & 78N (part)

Block: 290950141052000

Block: 290950141052001

Block: 290950141052002

Block: 290950141052003

Block: 290950141052004

Block: 290950141052005

Block: 290950141052006

Block: 290950141052007

Block: 290950141052008

Block: 290950141052009

Block: 290950141052010

Block: 290950141052013

Block: 290950141052014

Block: 290950141052015

Block: 290950141052016

Block: 290950141052017

Block: 290950141052018

Block: 290950141052028

Block: 290950141053000

Block: 290950141053004

Block: 290950141053005

Block: 290950141053006

Block: 290950141053007

Block: 290950141053008

Block: 290950141053015

Block: 290950141053016

Block: 290950141053017

Block: 290950141053018

Block: 290950141053023

Block: 290950141053024

Block: 290950141054019

Block: 290950141054020

Block: 290950141054021

Block: 290950141054022

Block: 290950141054023

Block: 290950141054024

Block: 290950141054025

Block: 290950141054026

Block: 290950141054027

VTD: Sni-A-Bar No. 33

VTD: Sni-A-Bar No. 34,34A,& 74

VTD: Sni-A-Bar No. 35 (part)

Block: 290950141052026

Block: 290950141052027

Block: 290950141052029

Block: 290950141052031

Block: 290950141052032

Block: 290950141052033

Block: 290950141052034

Block: 290950141111017

Block: 290950141111018

Block: 290950141111019

Block: 290950141111020

Block: 290950141111024

Block: 290950141111025

Block: 290950141111026

Block: 290950141111028

Block: 290950141111047

Block: 290950141111048

VTD: Sni-A-Bar No. 35A

VTD: Sni-A-Bar No. 36,36A,& 79A (part)

Block: 290950141111012

Block: 290950141111016

Block: 290950141111049

Block: 290950141111050

VTD: Sni-A-Bar No. 37,38,& 39

VTD: Sni-A-Bar No. 4 & 4N

VTD: Sni-A-Bar No. 42,42N,42X,42Y,42Z,44,44X,44Z,45,45A,45B,47,48,& 81C4 (part)

Block: 290950140071002

Block: 290950140071003

Block: 290950140071004

Block: 290950140071005

Block: 290950140071006

Block: 290950140071011

Block: 290950140071012

Block: 290950140071013

Block: 290950140071014

Block: 290950140071018

Block: 290950140071025

Block: 290950140071026

Block: 290950140071027

Block: 290950140071028

Block: 290950140071029

Block: 290950140071030

Block: 290950140071031

Block: 290950140071032

Block: 290950140071038

Block: 290950140071041

Block: 290950140071044

Block: 290950140071045

Block: 290950140071046

Block: 290950140071047

Block: 290950140071054

Block: 290950140071055

Block: 290950140071056

Block: 290950140071057

Block: 290950140071080

Block: 290950140071081

Block: 290950140071096

Block: 290950140071097

Block: 290950149032075

Block: 290950149032076

Block: 290950149032077

Block: 290950149032106

Block: 290950149032135

VTD: Sni-A-Bar No. 49

VTD: Sni-A-Bar No. 4X,59,59N,59X,60,60A,60N,& 60X

VTD: Sni-A-Bar No. 5 & 5N

VTD: Sni-A-Bar No. 50 & 91 (part)
Block: 290950140042000
Block: 290950140042001
VTD: Sni-A-Bar No. 52 & 52A
VTD: Sni-A-Bar No. 53 & 92 (part)
Block: 290950140041022
VTD: Sni-A-Bar No. 5A,5B,61,62,62A,& 97
VTD: Sni-A-Bar No. 6 & 6B
VTD: Sni-A-Bar No. 65,65N,& 65X
VTD: Sni-A-Bar No. 68 & 68Z
VTD: Sni-A-Bar No. 6A & 66
VTD: Sni-A-Bar No. 6C,6D,6E,& 6F
VTD: Sni-A-Bar No. 7,13,13A,13N,81,81A,81D,81Y,& 99N
VTD: Sni-A-Bar No. 78,78X,79,79N,84,84A,84B,84C,& 85 (part)
Block: 290950141111006
Block: 290950141111011
VTD: Sni-A-Bar No. 8
VTD: Sni-A-Bar No. 80
VTD: Sni-A-Bar No. 81B
VTD: Sni-A-Bar No. 82,82A,82N,& 82X
VTD: Sni-A-Bar No. 89
VTD: Sni-A-Bar No. 9
VTD: Sni-A-Bar No. 90,90A,90B,& 90N
VTD: Van Buren No. 1,1A,1B,1C,2,2A,2N,& 2X (part)
Block: 290950141121038
Block: 290950141121039
Block: 290950141121053
Block: 290950141121054
Block: 290950141121055
VTD: Van Buren No. 3,4,5,6,6A,7,& 8 (part)
Block: 290950139013007
Block: 290950139013009
Block: 290950139013010
Block: 290950139013011
Block: 290950139013012
Block: 290950139013014

Block: 290950139013017

Block: 290950139013018

Block: 290950139013022

Knox MO County

Lewis MO County

Linn MO County

Livingston MO County

Macon MO County

Marion MO County

Mercer MO County

Monroe MO County

Nodaway MO County

Pike MO County

Platte MO County

Putnam MO County

Ralls MO County

Randolph MO County (part)

VTD: Cairo

VTD: Clifton Hill

VTD: Darksville

VTD: Huntsville

VTD: Jacksonville

VTD: Levicks Mill

VTD: Mt. Airy (part)

Block: 291754902001169

Block: 291754902001170

Block: 291754902001172

Block: 291754902001173

Block: 291754902002079

Block: 291754902002080

Block: 291754902002094

Block: 291754906002048

Block: 291754906002049

Block: 291754906002053

Block: 291754906002058

Block: 291754906002059

Block: 291754906002060

Block: 291754906002062

Block: 291754906002194

VTD: North Sugar Creek (part)

Block: 291754901003147

Block: 291754901003152

Block: 291754901003153

Block: 291754901003154

Block: 291754901003155

Block: 291754901003159

Block: 291754901003160

Block: 291754901003161

Block: 291754901003162

Block: 291754901003163

Block: 291754901003180

Block: 291754902001183

Block: 291754902001187

Block: 291754902002008

Block: 291754902002009

Block: 291754902002010

Block: 291754902002011

Block: 291754902002012

Block: 291754902002013

Block: 291754902002014

Block: 291754902002015

Block: 291754902002016

Block: 291754902002031

Block: 291754902002032

Block: 291754902002033

Block: 291754902002095

Block: 291754902002096

Block: 291754902002099

VTD: Salt Springs (part)

Block: 291754902001115

Block: 291754902001116

Block: 291754902001123

Block: 291754902001124

Block: 291754902001125

Block: 291754902001130

Block: 291754902001131

Block: 291754902001155

Block: 291754902001156

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Block: 291754902001174

Block: 291754902002056

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Block: 291754902004066

Block: 291754906002000

Block: 291754906002001

Block: 291754906002002

Block: 291754906002003

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Block: 291754906002005

Block: 291754906002006

Block: 291754906002007

Block: 291754906002012

Block: 291754906002025

Block: 291754906002050

Block: 291754906002051

Block: 291754906002052

Block: 291754906002204

Block: 291754906002205

Block: 291754906002218

Block: 291754906002219

VTD: South Sugar Creek (part)

Block: 291754902002028

Block: 291754902002042

Block: 291754902002100

VTD: Thomas Hill

VTD: Union (part)

Block: 291754901002002

Block: 291754901002003

Block: 291754901002004

Block: 291754901002005

Block: 291754901002006

Block: 291754901002007

Block: 291754901002008

Block: 291754901002009

Block: 291754901002010

Block: 291754901002011

Block: 291754901002012

Block: 291754901002015

Block: 291754901002016

Block: 291754901002017

Block: 291754901002018

Block: 291754901002019

Block: 291754901002020

Block: 291754901002021

Block: 291754901002022

Block: 291754901002023

Block: 291754901002026

Block: 291754901002027

Block: 291754901002028

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Block: 291754901002090
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Block: 291754901002092
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Block: 291754901002095
Block: 291754901002096
Block: 291754901002099
Block: 291754901002162
Block: 291754901003063
Block: 291754901003064
Block: 291754901003065
Block: 291754901003066
Block: 291754901003178
Block: 291754901003179
Block: 291754901003182
Block: 291754901003195
Schuyler MO County
Scotland MO County
Shelby MO County
Sullivan MO County
Worth MO County”; and

Further amend said bill, Pages 159 to 167, Section 128.457, Lines 2 to 359, by deleting all of said lines and inserting in lieu thereof the following:

“Barry MO County

Christian MO County

Douglas MO County

Greene MO County

Jasper MO County

Lawrence MO County

McDonald MO County

Newton MO County

Ozark MO County

Polk MO County (part)

VTD: East Looney

VTD: Jackson

VTD: Northeast Marion (part)

Block: 291679601005070

Block: 291679601005102

Block: 291679601005103

Block: 291679601006013

Block: 291679601006014

Block: 291679601006015

Block: 291679601006016

Block: 291679601006017

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Block: 291679602004005
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Block: 291679602005040

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VTD: Northwest Marion (part)

Block: 291679601005040

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Block: 291679601006011
Block: 291679601006012
Block: 291679601006033
Block: 291679604003004
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Block: 291679604003089

Block: 291679604003090

Block: 291679604003091

Block: 291679604003092

VTD: Southeast Marion (part)

Block: 291679603002001

Block: 291679603002002

Block: 291679603002003

Block: 291679603002004

Block: 291679603002005

Block: 291679603002006

Block: 291679603002007

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Block: 291679603003123

Block: 291679603003124

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Block: 291679603003126

Block: 291679603003127

Block: 291679603003128

VTD: Southwest Marion

VTD: Union

VTD: West Looney

VTD: Wishart

Stone MO County

Taney MO County”; and

Further amend said bill, Pages 167 to 172, Section 128.458, Lines 2 to 205, by deleting all of said lines

and inserting in lieu thereof the following:

“Bollinger MO County

Butler MO County

Cape Girardeau MO County

Carter MO County

Crawford MO County

Dent MO County

Dunklin MO County

Franklin MO County (part)

VTD: BEAUFORT/ UNION

VTD: DRY BRANCH

VTD: DUEMLER

VTD: ELMONT

VTD: GERALD OUT OF TOWN

VTD: GERALD WARD 1

VTD: GERALD WARD 2

VTD: JAPAN

VTD: JEFFRIESBURG

VTD: LESLIE OUT OF TOWN

VTD: LESLIE VILLAGE

VTD: LUEBBERING

VTD: MIRAMIGUOA VILLAGE

VTD: OAK GROVE VILLAGE

VTD: PARKWAY VILLAGE

VTD: PEA RIDGE

VTD: PRAIRIE DELL (part)

Block: 290718005005064

Block: 290718005005066

Block: 290718006023089

Block: 290718006023090

Block: 290718006023091

Block: 290718006023092

Block: 290718006023093

Block: 290718006023094

Block: 290718006023095

Block: 290718006023096

Block: 290718006024052

Block: 290718008001043

Block: 290718008002043

Block: 290718008002044

Block: 290718008002045

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Block: 290718008002058

Block: 290718008002067

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Block: 290718009024015

Block: 290718009024016

Block: 290718009024017

Block: 290718009024177

Block: 290718009024178

Block: 290718009024179

Block: 290718009024188

VTD: SPRING BLUFF

VTD: ST CLAIR OUT OF TOWN

VTD: ST CLAIR WARD 1

VTD: ST CLAIR WARD 2

VTD: STANTON

VTD: SULLIVAN OUT OF TOWN

VTD: SULLIVAN WARD 1

VTD: SULLIVAN WARD 2

VTD: SULLIVAN WARD 3

VTD: UNION OUT OF TOWN (part)

Block: 290718005005055

Block: 290718005005056

Block: 290718005005057

Block: 290718005005062

Block: 290718005005063

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Block: 290718005005067

Block: 290718005005068

Howell MO County

Iron MO County

Jefferson MO County (part)

VTD: Airport No. 1

VTD: Airport No. 2

VTD: Athena

VTD: Crystal City

VTD: DeSoto

VTD: Festus

VTD: Festus Outside

VTD: Fletcher

VTD: Goldman No. 2

VTD: Hematite

VTD: Herculaneum

VTD: Hillsboro 1-2

VTD: Hillsboro P-1 (part)

Block: 290997005023051

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Block: 290997005023056

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Block: 290997005024082

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VTD: Hillsboro P-2

VTD: Horine

VTD: Jefferson R7-1

VTD: Jefferson R7-2

VTD: Lake Tishomingo (part)

Block: 290997005023037

Block: 290997005023046

Block: 290997005023047

Block: 290997005023049

Block: 290997005023050

Block: 290997005023053

Block: 290997005023054

VTD: Mapaville (part)

Block: 290997006042035

Block: 290997006042037

Block: 290997006042039

Block: 290997006042040

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Block: 290997010004023

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VTD: Oakvale

VTD: Olympian Village

VTD: Pevely

VTD: Pevely Outside No. 1

VTD: Pevely Outside No. 2

VTD: Plattin

VTD: Riverview

VTD: Rush Tower

VTD: Sunrise

VTD: Valle No. 1

VTD: Valle No. 2

VTD: Victoria

VTD: Vineland No. 1

VTD: Vineland No. 2

VTD: Ware (part)

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Block: 290997011026004

Block: 290997011026005

Block: 290997011026018

Block: 290997011026019

Block: 290997011026021

Block: 290997011026069

Madison MO County

Mississippi MO County

New Madrid MO County

Oregon MO County

Pemiscot MO County

Perry MO County

Phelps MO County

Reynolds MO County

Ripley MO County

Scott MO County

Shannon MO County

St. Francois MO County

Ste. Genevieve MO County

Stoddard MO County

Texas MO County

Washington MO County

Wayne MO County”; and

Further amend said title, enacting clause and intersectional references accordingly.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

April 26, 2011

TO THE SECRETARY OF THE SENATE

96TH GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bill No. 19 entitled:

AN ACT

To repeal section 147.010, RSMo, and to enact in lieu thereof one new section relating to the phase-out of the corporate franchise tax.
On April 26, 2011, I approved said Senate Committee Substitute for Senate Bill No. 19.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

April 26, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Joseph Nicholson, 220 Foxhead Shores Drive, Linn Creek, Camden County, Missouri 65052, as a member of the Board of Cosmetology and Barber Examiners, for a term ending May 1, 2012, and until his successor is duly appointed and qualified; vice, Thelma Kinion, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

HOUSE BILLS ON THIRD READING

HB 270, with **SCS**, introduced by Representatives Burlison and Swinger, entitled:

An Act to repeal section 103.089, RSMo, and to enact in lieu thereof one new section relating to state health insurance benefits.

Was taken up by Senator Dempsey.

SCS for **HB 270**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 270**

An Act to repeal sections 103.080 and 103.089, RSMo, and to enact in lieu thereof two new sections relating to the state employee health insurance program.

Was taken up.

Senator Dempsey moved that **SCS** for **HB 270** be adopted.

Senator Kehoe offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 270, Page 2, Section 103.089, Lines 28-30, by striking said lines and inserting in lieu thereof the following: “**section shall have monthly subscriber premiums that are materially lower than non-high deductible health plan monthly subscriber premiums with a goal of monthly subscriber premiums being at least fifty percent lower than non-high deductible health plan premiums. The amount of the annual deductible**”; and further amend line 32, by striking “one hundred and twenty-five” and inserting in lieu thereof the following: “**two**”

hundred"; and further amend lines 35 to 38, by striking said lines; and further amend line 41, by striking "to" and inserting in lieu thereof the following: "**or better than**"; and further amend line 41, by inserting immediately before "coverage" the following: "**average**"; and further amend line 41, by striking "plan" and inserting in lieu thereof the following: "**plans.**"; and further amend line 42, by striking said line.

Senator Kehoe moved that the above amendment be adopted, which motion prevailed.

Senator Dempsey moved that **SCS** for **HB 270**, as amended, be adopted, which motion prevailed.

On motion of Senator Dempsey, **SCS** for **HB 270**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	McKenna	Munzlinger	Nieves	Parson	Pearce	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Purgason—1

Absent with leave—Senator Mayer—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Dempsey, title to the bill was agreed to.

Senator Dempsey moved that the vote by which the bill passed be reconsidered.

Senator Goodman moved that motion lay on the table, which motion prevailed.

HCS for **HBs 73** and **47**, with **SCS**, entitled:

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to illegal drug use of applicants and recipients of temporary assistance for needy families benefits.

Was taken up by Senator Crowell.

SCS for **HCS** for **HBs 73** and **47**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 73 and 47

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to illegal drug use of applicants and recipients of temporary assistance for needy families benefits.

Was taken up.

Senator Crowell moved that **SCS** for **HCS** for **HBs 73** and **47** be adopted.

Senator Crowell offered **SS** for **SCS** for **HCS** for **HBs 73** and **47**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 73 and 47

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to illegal drug use of applicants and recipients of temporary assistance for needy families benefits.

Senator Crowell moved that **SS** for **SCS** for **HCS** for **HBs 73** and **47** be adopted.

Senator Crowell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 73 and 47, Page 1, Section 208.027, Line 5 of said page, by inserting after the word “test” the following: **“using a urine dipstick five panel test to screen”**.

Senator Crowell moved that the above amendment be adopted.

Senator Stouffer assumed the Chair.

Senator Callahan offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 73 and 47, Page 1, Section 208.027, Lines 5-9, by striking all of said lines and inserting in lieu thereof the following:

“develop a program to test all work-eligible recipients, using a urine dipstick five panel test, who are otherwise eligible for temporary assistance for needy families benefits under this chapter and who are not employed for the use of a controlled substance. Any work-eligible recipient”; and further amend line 11 by striking the words “applicant or” and inserting in lieu thereof the following: **“work-eligible”**; and further amend said bill and section, page 2, line 4 by striking the words “applicant or” and inserting in lieu thereof the following: **“work-eligible”**; and further amend line 8 by inserting after all of said line the following:

“2. For purposes of this section, the following terms shall mean:

(1) “Work activity”, shall include, but not be limited to, subsidized or unsubsidized private or public sector employment, job training programs, community service programs, or vocational education and training programs;

(2) “Work-eligible recipient”, a recipient who:

(a) Is otherwise eligible for temporary assistance for needy families benefits under this chapter; and

(b) Is required or eligible to participate in work activities.”; and

Further renumber the remaining subsection accordingly.

Senator Callahan moved that **SSA 1** for **SA 1** be adopted, which motion failed on a standing division vote.

Senator Schaaf offered **SSA 2** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 2 FOR
SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 73 and 47, Page 1, Section 208.027, Lines 5-7, by striking all of said lines and inserting in lieu thereof the following:

“develop a program to screen each applicant or recipient who is otherwise eligible for temporary assistance for needy families benefits under this chapter, and then test, using a urine dipstick five panel test, each one who the department has”.

Senator Schaaf moved that the above substitute amendment be adopted, which motion prevailed.

Senator Crowell offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 73 and 47, Page 1, Section 208.027, Line 12 of said page, by inserting after the word “provider,” the following: **“or who refuses to submit to a test,”**.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Lembke offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 73 and 47, Page 2, Section 208.027, Line 21, by inserting after all of said line the following:

“Section 1. All electronic benefits cards distributed to recipients of temporary assistance for needy families benefits shall have imprinted on the card a photograph of the recipient. The card shall not be accepted for use by a retail establishment if the photograph of the recipient does not match the person presenting the card.”; and

Further amend the title and enacting clause accordingly.

Senator Lembke moved that the above amendment be adopted.

Senator Justus offered **SA 1** to **SA 3**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 73 and 47, Page 1, Line 5, by inserting after the word “recipient” the following: **“and shall expire and be subject to renewal after a period of three years”**.

Senator Justus moved that the above amendment be adopted, which motion prevailed.

SA 3, as amended, was again taken up.

Senator Ridgeway offered **SA 2** to **SA 3**, which was read:

SENATE AMENDMENT NO. 2 TO
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 73 and 47, Page 1, Line 5, by inserting after the word “recipient” the following: **“or protective payee authorized to use the card”**.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

SA 3, as amended, was again taken up.

Senator Lembke moved that the above amendment be adopted, which motion prevailed.

Senator Chappelle-Nadal offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 73 and 47, Page 1, Section A, Line 3, by inserting after all of said line the following:

“105.009. 1. Before taking office and once every two years thereafter, all state elected officials, state executive branch managerial staff, and all officers and leadership staff of the house of representatives and senate shall be subject to chemical testing of their blood or urine for the purpose of determining the drug content of the blood. The costs of such testing shall be paid by such official, officer, or staff member.

2. To be considered valid, chemical tests of the person’s blood or urine shall be performed according to methods and devices approved by the state department of health and senior services, and shall be performed by licensed medical personnel or by a person possessing a valid permit issued by the state department of health and senior services for this purpose. A blood test shall not be performed if the medical personnel, in good faith medical judgment, believe such procedure would endanger the health of the person.

3. Upon request of the person tested, full information concerning the test shall be made available to the person.

4. No person administering a chemical test under this section or any other person, firm, or corporation with whom such person is associated shall be civilly liable for damages to the person tested except for negligence of by willful or wanton act or omission.

105.011. Any member of the general assembly who is arrested two or more times during the course of the member’s term of office shall immediately forfeit and vacate the office.”; and

Further amend the title and enacting clause accordingly.

Senator Chappelle-Nadal moved that the above amendment be adopted.

Senator Lembke raised the point of order that **SA 4** is out of order as it is not germane to the underlying bill.

The point of order was referred to Senator Goodman, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence.

The point of order was ruled well taken.

Senator Ridgeway offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 73 and 47, Page 2, Section 208.027, Line 8, by inserting after all of said line the following:

“2. Case workers of applicants or recipients shall be required to report or cause a report to be made to the children's division in accordance with the provisions of sections 210.109 to 210.183 for suspected child abuse as a result of drug abuse in instances where the case worker has knowledge that:

- (1) An applicant or recipient has tested positive for the illegal use of a controlled substance; or**
- (2) An applicant or recipient has refused to be tested for the illegal use of a controlled substance.**

3. Other members of a household which includes a person who has been declared ineligible for temporary assistance for needy families assistance shall, if otherwise eligible, continue to receive temporary assistance for needy families benefits as protective or vendor payments to a third-party payee for the benefit of the members of the household.”; and

Further renumber the remaining subsection accordingly.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Justus offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 73 and 47, Page 2, Section 208.027, Line 3, by inserting after the word “decision” the following:

“unless such applicant or recipient, after having been referred by the department, enters and successfully completes a substance abuse treatment program and does not test positive for illegal use of a controlled substance in the six-month period beginning on the date of entry into such rehabilitation or treatment program. The applicant or recipient shall continue to receive benefits while participating in the treatment program. The department may test the applicant or recipient for illegal drug use at random or set intervals, at the department's discretion, after such period. If the applicant or recipient tests positive for the use of illegal drugs a second time, then such applicant or recipient shall be declared ineligible for temporary assistance for needy families benefits for a period of three years from the date of the administrative hearing decision”.

Senator Justus moved that the above amendment be adopted, which motion prevailed.

Senator Chappelle-Nadal offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 73 and 47, Page 1, In the Title, Lines 3-5, by striking all of said lines and inserting in lieu thereof the following:

“section relating to drug testing.”; and

Further amend said bill and page, section A, line 3, by inserting after all of said line the following:

“105.009. 1. Before taking office and once every two years thereafter, all state elected officials, state executive branch managerial staff, and all officers and leadership staff of the house of representatives and senate shall be subject to chemical testing of their blood or urine for the purpose of determining the drug content of the blood. The costs of such testing shall be paid by such official, officer, or staff member.

2. To be considered valid, chemical tests of the person's blood or urine shall be performed according to methods and devices approved by the state department of health and senior services, and shall be performed by licensed medical personnel or by a person possessing a valid permit issued by the state department of health and senior services for this purpose. A blood test shall not be performed if the medical personnel, in good faith medical judgment, believe such procedure would endanger the health of the person.

3. Upon request of the person tested, full information concerning the test shall be made available to the person.

4. No person administering a chemical test under this section or any other person, firm, or corporation with whom such person is associated shall be civilly liable for damages to the person tested except for negligence or by willful or wanton act or omission.

105.011. Any member of the general assembly who is arrested two or more times during the course of the member's term of office shall immediately forfeit and vacate the office.”; and

Further amend the title and enacting clause accordingly.

Senator Chappelle-Nadal moved that the above amendment be adopted.

Senator Schaaf raised the point of order that **SA 7** is out of order as it goes beyond the scope of the underlying bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Crowell moved that **SS** for **SCS** for **HCS** for **HBs 73** and **47**, as amended, be adopted, which motion prevailed.

Senator Crowell moved that **SS** for **SCS** for **HCS** for **HBs 73** and **47**, as amended, be read the 3rd time and passed and was recognized to close.

President Pro Tem Mayer referred **SS** for **SCS** for **HCS** for **HBs 73** and **47**, as amended, to the Committee on Ways and Means and Fiscal Oversight.

President Pro Tem Mayer assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HCS** for **HB 1**; **SCS** for **HCS** for **HB 14**; **HB 15**; **HB 182**; **HCS** for **HB 354**; **HCS** for **HB 557**; **HB 749** and **HB 795**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

Senator Stouffer assumed the Chair.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 562**, entitled:

An Act to repeal sections 210.101 and 210.102, RSMo, and to enact in lieu thereof three new sections relating to the Missouri children's services commission which oversees the Missouri task force on prematurity and infant mortality.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 664**, entitled:

An Act to repeal sections 87.005, 87.006, 87.120, 87.205, 87.207, 87.325, 87.330, 87.335, 87.340, and 87.345, RSMo, and to enact in lieu thereof eleven new sections relating to the firemen's retirement system of St. Louis.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 579**, entitled:

An Act to repeal sections 8.241, 144.032, 172.803, 178.900, 189.010, 189.065, 191.227, 191.305, 191.310, 192.005, 197.071, 197.080, 197.100, 198.012, 205.968, 208.151, 208.275, 208.798, 210.900, 211.202, 211.203, 211.206, 211.207, 402.210, 475.121, 475.355, 476.537, 536.031, 552.015, 552.020, 552.030, 552.040, 630.003, 630.005, 630.010, 630.097, 630.120, 630.165, 630.183, 630.192, 630.210, 630.335, 630.405, 630.425, 630.510, 630.605, 630.610, 630.635, 630.705, 630.715, 630.735, 632.005, 632.105, 632.110, 632.115, 632.120, 632.370, 632.380, 633.005, 633.010, 633.020, 633.029, 633.030, 633.045, 633.050, 633.110, 633.115, 633.120, 633.125, 633.130, 633.135, 633.140, 633.145, 633.150, 633.155, 633.160, 633.180, 633.185, 633.190, 633.210, 633.300, 633.303, 633.309, and 660.405, RSMo, and to enact in lieu thereof eighty-seven new sections relating to health care policies in this state, with an emergency clause for certain sections.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 366**, entitled:

An Act to repeal sections 67.1461, 620.1878, and 620.1881, RSMo, and enact in lieu thereof five new

sections relating to tax incentives for data storage, server farm, and technology business facilities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 600, 337 and 413**, entitled:

An Act to repeal sections 43.260, 43.265, 70.695, 87.005, 87.006, 302.302, 302.309, 304.820, 306.111, 306.112, 306.113, 306.114, 306.116, 306.117, 306.118, 306.119, 306.130, 565.024, 565.035, 565.081, 565.083, 569.100, 570.080, 575.060, 577.023, RSMo, section 565.082 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 62, ninety-fifth general assembly, first regular session and section 565.082 as enacted by conference committee substitute for senate substitute for senate committee substitute for house bill no. 683, ninety-fifth general assembly, first regular session, and to enact in lieu thereof thirty new sections relating to public safety, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 161**, entitled:

An Act to repeal sections 67.1000, 67.1002, 67.1003, 67.1005, 67.1006, and 67.1008, RSMo, and to enact in lieu thereof five new sections relating to county transient guest taxes for tourism purposes.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 523**, entitled:

An Act to repeal sections 376.717 and 385.320, RSMo, and to enact in lieu thereof thirteen new sections relating to registration of certain insurance products.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House

refuses to adopt **SCS** for **HCS** for **HB 3** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 4** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 5** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 6** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended for **HCS** for **HB 7** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 8** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 9** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 10** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 11** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 12** and requests the Senate to recede from its position and failing to

do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 13** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Schaefer requested unanimous consent of the Senate to be allowed to make one motion to send **SCS** for **HCS** for **HB 2**; **SCS** for **HCS** for **HB 3**; **SCS** for **HCS** for **HB 4**; **SCS** for **HCS** for **HB 5**; **SCS** for **HCS** for **HB 6**; **SCS** for **HCS** for **HB 7**, as amended; **SCS** for **HCS** for **HB 8**; **SCS** for **HCS** for **HB 9**; **SCS** for **HCS** for **HB 10**; **SCS** for **HCS** for **HB 11**; **SCS** for **HCS** for **HB 12**; and **SCS** for **HCS** for **HB 13** to conference in one motion, which request was granted.

Senator Schaefer moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 2**; **SCS** for **HCS** for **HB 3**; **SCS** for **HCS** for **HB 4**; **SCS** for **HCS** for **HB 5**; **SCS** for **HCS** for **HB 6**; **SCS** for **HCS** for **HB 7**, as amended; **SCS** for **HCS** for **HB 8**; **SCS** for **HCS** for **HB 9**; **SCS** for **HCS** for **HB 10**; **SCS** for **HCS** for **HB 11**; **SCS** for **HCS** for **HB 12**; and **SCS** for **HCS** for **HB 13** and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mayer appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 2**: Senators Schaefer, Rupp, Pearce, Green and Curls.

President Pro Tem Mayer appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 3**: Senators Schaefer, Rupp, Pearce, Green and Curls.

President Pro Tem Mayer appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 4**: Senators Schaefer, Rupp, Pearce, Green and Curls.

President Pro Tem Mayer appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 5**: Senators Schaefer, Rupp, Pearce, Green and Curls.

President Pro Tem Mayer appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 6**: Senators Schaefer, Rupp, Pearce, Green and Curls.

President Pro Tem Mayer appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 7**, as amended: Senators Schaefer, Rupp, Pearce, Green and Curls.

President Pro Tem Mayer appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 8**: Senators Schaefer, Rupp, Pearce, Green and Curls.

President Pro Tem Mayer appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 9**: Senators Schaefer, Rupp, Pearce, Green and Curls.

President Pro Tem Mayer appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 10**: Senators Schaefer, Rupp, Pearce, Green and Curls.

President Pro Tem Mayer appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 11**: Senators Schaefer, Rupp, Pearce, Green and Curls.

President Pro Tem Mayer appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 12**: Senators Schaefer, Rupp, Pearce, Green and Curls.

President Pro Tem Mayer appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 13**: Senators Schaefer, Rupp, Pearce, Green and Curls.

HOUSE BILLS ON THIRD READING

At the request of Senator Purgason, **HCS** for **HBs 116** and **316**, with **SCS**, was placed on the Informal Calendar.

HB 229, introduced by Representatives Curls and Leara, entitled:

An Act to repeal sections 169.270, 169.280, 169.301, 169.324, and 169.328, RSMo, and to enact in lieu thereof five new sections relating to school retirement systems.

Was taken up by Senator Curls.

On motion of Senator Curls, **HB 229** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Crowell	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senator Chappelle-Nadal—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Curls, title to the bill was agreed to.

Senator Curls moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HB 142, with **SCS**, introduced by Representative Gatschenberger, entitled:

An Act to repeal section 55.030, RSMo, and to enact in lieu thereof one new section relating to political subdivisions.

Was taken up by Senator Dempsey.

SCS for **HB 142**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 142

An Act to repeal sections 55.030 and 475.115, RSMo, and to enact in lieu thereof three new sections relating to political subdivisions.

Was taken up.

Senator Dempsey moved that **SCS** for **HB 142** be adopted.

Senator Callahan offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 142, Pages 2-3, Section 488.070, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Dempsey offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 142, Page 2, Section 55.030, Line 31, by inserting after all of said line the following:

“67.319. 1. If approved by a majority of the voters voting on the proposal, any city, town, or village located within this state may, by ordinance, levy and impose annually, upon water service lines providing water service to residential property having four or fewer dwelling units within the jurisdiction of such city, town, or village, a fee not to exceed one dollar per month or twelve dollars annually.

2. The ballot of submission shall be in substantially the following form:

For the purpose of repair or replacement of water lines extending from the water main to a residential dwelling due to failure of the line, shall (city, town, or village) be authorized to impose a fee not to exceed one dollar per month or twelve dollars annually on residential property for each water service line providing water service within the (city, town, or village) to residential property having four or fewer dwelling units for the purpose of paying for the costs of necessary water service line repairs or replacements?

☐ YES

☐ NO

3. For the purpose of this section, a water service line may be defined by local ordinance, but may not include the water meter or exceed that portion of water piping and related valves and connectors which extends from the water mains owned by the utility or municipality distributing public water supply to the first opportunity for a connection or joint beyond the point of entry into the premises receiving water service, and may not include facilities owned by the utility or municipality distributing public water supply. For purposes of this section, repair may be defined and limited by local ordinance, and may include replacement or repairs.

4. If a majority of the voters voting thereon approve the proposal authorized in subsection 1 of this section, the governing body of the city, town, or village may enact an ordinance for the collection

of such fee. The funds collected under such ordinance shall be deposited in a special account to be used solely for the purpose of paying for the reasonable costs associated with and necessary to administer and carry out the water service line repairs as defined in the ordinance and, if sufficient revenues are available, to reimburse the necessary costs of water service line repair or replacement. All interest generated on deposited funds shall be accrued to the special account established for the repair of water service lines.

5. The city, town, or village may establish, as provided in the ordinance, regulations necessary for the administration of collections, claims, repairs, replacements and all other activities necessary and convenient for the implementation of any ordinance adopted and approved under this section. The city, town, or village may administer the program or may contract with one or more persons, through a competitive process, to provide for administration of any portion of implementation activities of any ordinance adopted and approved under this section, and reasonable costs of administering the program may be paid from the special account established under this section.

6. Notwithstanding any other provision of law to the contrary, the collector in any city, town, village or county that adopts an ordinance pursuant to this section, who now or hereafter collects any fee to provide for, ensure or guarantee the repair of water service lines, may add such fee to the general tax levy bills of property owners within the city, town, village or unincorporated area of the county. All revenues received on such combined bill which are for the purpose of providing for, ensuring or guaranteeing the repair of water service lines, shall be separated from all other revenues so collected and credited to the appropriate fund or account of the city, town, village or county. The collector of the city, town, village or county may collect such fee in the same manner and to the same extent as the collector now or hereafter may collect delinquent real estate taxes and tax bills.”; and

Further amend the title and enacting clause accordingly.

Senator Dempsey moved that the above amendment be adopted, which motion prevailed.

Senator Schaaf offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Bill No. 142, Page 2, Section 55.030, Line 31, by inserting after all of said line the following:

“67.451. Any city in which voters have approved fees to recover costs associated with enforcement of municipal housing, property maintenance, or nuisance ordinances may issue a special tax bill against the property where such ordinance violations existed. The officer in charge of finance shall cause the amount of unrecovered costs to be included in a special tax bill or added to the annual real estate tax bill for the property at the collecting official's option, and the costs shall be collected by the city collector or other official collecting taxes in the same manner and procedure for collecting real estate taxes. If the cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by laws governing delinquent and back taxes. The tax bill shall be deemed a personal debt against the owner from the date of issuance, and shall also be a lien on the property until paid. Notwithstanding any provision of the city's charter to the contrary, the city may provide, by ordinance, that the city may discharge the special tax bill upon a determination by the city that a public benefit will be gained by such discharge, and such discharge shall include any costs of tax collection, accrued interest, or attorney fees related to the special tax bill.”; and

Further amend said bill and page, section 475.115, line 19 by inserting after all of said line the following:

“479.011. 1. (1) The following cities may establish an administrative adjudication system under this section:

(a) Any city not within a county [or];

(b) Any home rule city with more than four hundred thousand inhabitants and located in more than one county; and

(c) Any home rule city with more than seventy-three thousand but fewer than seventy-five thousand inhabitants.

(2) The cities listed in subdivision (1) of this subsection may establish, by order or ordinance, an administrative system for adjudicating **housing, property maintenance, nuisance,** parking, and other civil, nonmoving municipal code violations consistent with applicable state law. Such administrative adjudication system shall be subject to practice, procedure, and pleading rules established by the state supreme court, circuit court, or municipal court. This section shall not be construed to affect the validity of other administrative adjudication systems authorized by state law and created before August 28, 2004.

2. The order or ordinance creating the administrative adjudication system shall designate the administrative tribunal and its jurisdiction, including the code violations to be reviewed. The administrative tribunal may operate under the supervision of the municipal court, parking commission, or other entity designated by order or ordinance and in a manner consistent with state law. The administrative tribunal shall adopt policies and procedures for administrative hearings, and filing and notification requirements for appeals to the municipal or circuit court, subject to the approval of the municipal or circuit court.

3. The administrative adjudication process authorized in this section shall ensure a fair and impartial review of contested municipal code violations, and shall afford the parties due process of law. The formal rules of evidence shall not apply in any administrative review or hearing authorized in this section. Evidence, including hearsay, may be admitted only if it is the type of evidence commonly relied upon by reasonably prudent persons in the conduct of their affairs. The code violation notice, property record, and related documentation in the proper form, or a copy thereof, shall be prima facie evidence of the municipal code violation. The officer who issued the code violation citation need not be present.

4. An administrative tribunal may not impose incarceration or any fine in excess of the amount allowed by law. Any sanction, fine or costs, or part of any fine, other sanction, or costs, remaining unpaid after the exhaustion of, or the failure to exhaust, judicial review procedures under chapter 536 shall be a debt due and owing the city, and may be collected in accordance with applicable law.

5. Any final decision or disposition of a code violation by an administrative tribunal shall constitute a final determination for purposes of judicial review. Such determination is subject to review under chapter 536 or, at the request of the defendant made within ten days, a trial de novo in the circuit court. After expiration of the judicial review period under chapter 536, unless stayed by a court of competent jurisdiction, the administrative tribunal's decisions, findings, rules, and orders may be enforced in the same manner as a judgment entered by a court of competent jurisdiction. Upon being recorded in the manner required by state law or the uniform commercial code, a lien may be imposed on the real or personal property of any defendant entering a plea of nolo contendere, pleading guilty to, or found guilty of a municipal code violation in the amount of any debt due the city under this section and enforced in the same

manner as a judgment lien under a judgment of a court of competent jurisdiction. **The city may also issue a special tax bill to collect fines issued for housing, property maintenance, and nuisance code violations.**”; and

Further amend the title and enacting clause accordingly.

Senator Schaaf moved that the above amendment be adopted, which motion prevailed.

Senator Munzlinger offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Bill No. 142, Page 2, Section 55.030, Line 31, by inserting immediately after said line the following:

“135.950. The following terms, whenever used in sections 135.950 to 135.970 mean:

(1) “Average wage”, the new payroll divided by the number of new jobs;

(2) “Blighted area”, an area which, by reason of the predominance of defective or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use. **The term “blighted area” shall also include any area which produces or generates or has the potential to produce or generate electrical energy from a renewable energy resource, and which, by reason of obsolescence, decadence, blight, dilapidation, deteriorating or inadequate site improvements, substandard conditions, the predominance or defective or inadequate street layout, unsanitary or unsafe conditions, improper subdivision or obsolete platting, or the existence of conditions which endanger the life or property by fire or other means, or any combination of such factors, is underutilized, unutilized, or diminishes the economic usefulness of the land, improvements, or lock and dam site within such area for the production, generation, conversion, and conveyance of electrical energy from a renewable energy resource;**

(3) “Board”, an enhanced enterprise zone board established pursuant to section 135.957;

(4) “Commencement of commercial operations” shall be deemed to occur during the first taxable year for which the new business facility is first put into use by the taxpayer in the enhanced business enterprise in which the taxpayer intends to use the new business facility;

(5) “County average wage”, the average wages in each county as determined by the department for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of determining eligibility. The department shall publish the county average wage for each county at least annually. Notwithstanding the provisions of this subdivision to the contrary, for any taxpayer that in conjunction with their project is relocating employees from a Missouri county with a higher county average wage, such taxpayer shall obtain the endorsement of the governing body of the community from which jobs are being relocated or the county average wage for their project shall be the county average wage for the county from which the employees are being relocated;

(6) “Department”, the department of economic development;

(7) “Director”, the director of the department of economic development;

(8) “Employee”, a person employed by the enhanced business enterprise that is scheduled to work an average of at least one thousand hours per year, and such person at all times has health insurance offered to him or her, which is partially paid for by the employer;

(9) “Enhanced business enterprise”, an industry or one of a cluster of industries that is either:

(a) Identified by the department as critical to the state's economic security and growth; or

(b) Will have an impact on industry cluster development, as identified by the governing authority in its application for designation of an enhanced enterprise zone and approved by the department; but excluding gambling establishments (NAICS industry group 7132), retail trade (NAICS sectors 44 and 45), educational services (NAICS sector 61), religious organizations (NAICS industry group 8131), public administration (NAICS sector 92), and food and drinking places (NAICS subsector 722), however, notwithstanding provisions of this section to the contrary, headquarters or administrative offices of an otherwise excluded business may qualify for benefits if the offices serve a multistate territory. In the event a national, state, or regional headquarters operation is not the predominant activity of a project facility, the new jobs and investment of such headquarters operation is considered eligible for benefits under this section if the other requirements are satisfied. Service industries may be eligible only if a majority of its annual revenues will be derived from out of the state;

(10) “Existing business facility”, any facility in this state which was employed by the taxpayer claiming the credit in the operation of an enhanced business enterprise immediately prior to an expansion, acquisition, addition, or replacement;

(11) “Facility”, any building used as an enhanced business enterprise located within an enhanced enterprise zone, including the land on which the facility is located and all machinery, equipment, and other real and depreciable tangible personal property acquired for use at and located at or within such facility and used in connection with the operation of such facility;

(12) “Facility base employment”, the greater of the number of employees located at the facility on the date of the notice of intent, or for the twelve-month period prior to the date of the notice of intent, the average number of employees located at the facility, or in the event the project facility has not been in operation for a full twelve-month period, the average number of employees for the number of months the facility has been in operation prior to the date of the notice of intent;

(13) “Facility base payroll”, the total amount of taxable wages paid by the enhanced business enterprise to employees of the enhanced business enterprise located at the facility in the twelve months prior to the notice of intent, not including the payroll of owners of the enhanced business enterprise unless the enhanced business enterprise is participating in an employee stock ownership plan. For the purposes of calculating the benefits under this program, the amount of base payroll shall increase each year based on the consumer price index or other comparable measure, as determined by the department;

(14) “Governing authority”, the body holding primary legislative authority over a county or incorporated municipality;

(15) “Megaproject”, any manufacturing or assembling facility, approved by the department for construction and operation within an enhanced enterprise zone, which satisfies the following:

(a) The new capital investment is projected to exceed three hundred million dollars over a period of

eight years from the date of approval by the department;

(b) The number of new jobs is projected to exceed one thousand over a period of eight years beginning on the date of approval by the department;

(c) The average wage of new jobs to be created shall exceed the county average wage;

(d) The taxpayer shall offer health insurance to all new jobs and pay at least eighty percent of such insurance premiums; and

(e) An acceptable plan of repayment, to the state, of the tax credits provided for the megaproject has been provided by the taxpayer;

(16) "NAICS", the 1997 edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget. Any NAICS sector, subsector, industry group or industry identified in this section shall include its corresponding classification in subsequent federal industry classification systems;

(17) "New business facility", a facility that **does not produce or generate electrical energy from a renewable energy resource and** satisfies the following requirements:

(a) Such facility is employed by the taxpayer in the operation of an enhanced business enterprise. Such facility shall not be considered a new business facility in the hands of the taxpayer if the taxpayer's only activity with respect to such facility is to lease it to another person or persons. If the taxpayer employs only a portion of such facility in the operation of an enhanced business enterprise, and leases another portion of such facility to another person or persons or does not otherwise use such other portions in the operation of an enhanced business enterprise, the portion employed by the taxpayer in the operation of an enhanced business enterprise shall be considered a new business facility, if the requirements of paragraphs (b), (c), and (d) of this subdivision are satisfied;

(b) Such facility is acquired by, or leased to, the taxpayer after December 31, 2004. A facility shall be deemed to have been acquired by, or leased to, the taxpayer after December 31, 2004, if the transfer of title to the taxpayer, the transfer of possession pursuant to a binding contract to transfer title to the taxpayer, or the commencement of the term of the lease to the taxpayer occurs after December 31, 2004;

(c) If such facility was acquired by the taxpayer from another taxpayer and such facility was employed immediately prior to the acquisition by another taxpayer in the operation of an enhanced business enterprise, the operation of the same or a substantially similar enhanced business enterprise is not continued by the taxpayer at such facility; and

(d) Such facility is not a replacement business facility, as defined in subdivision (25) of this section;

(18) "New business facility employee", an employee of the taxpayer in the operation of a new business facility during the taxable year for which the credit allowed by section 135.967 is claimed, except that truck drivers and rail and barge vehicle operators and other operators of rolling stock for hire shall not constitute new business facility employees;

(19) "New business facility investment", the value of real and depreciable tangible personal property, acquired by the taxpayer as part of the new business facility, which is used by the taxpayer in the operation of the new business facility, during the taxable year for which the credit allowed by 135.967 is claimed, except that trucks, truck-trailers, truck semitrailers, rail vehicles, barge vehicles, aircraft and other rolling stock for hire, track, switches, barges, bridges, tunnels, and rail yards and spurs shall not constitute new

business facility investments. The total value of such property during such taxable year shall be:

(a) Its original cost if owned by the taxpayer; or

(b) Eight times the net annual rental rate, if leased by the taxpayer. The net annual rental rate shall be the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals. The new business facility investment shall be determined by dividing by twelve the sum of the total value of such property on the last business day of each calendar month of the taxable year. If the new business facility is in operation for less than an entire taxable year, the new business facility investment shall be determined by dividing the sum of the total value of such property on the last business day of each full calendar month during the portion of such taxable year during which the new business facility was in operation by the number of full calendar months during such period;

(20) “New job”, the number of employees located at the facility that exceeds the facility base employment less any decrease in the number of the employees at related facilities below the related facility base employment. No job that was created prior to the date of the notice of intent shall be deemed a new job;

(21) “Notice of intent”, a form developed by the department which is completed by the enhanced business enterprise and submitted to the department which states the enhanced business enterprise's intent to hire new jobs and request benefits under such program;

(22) “Related facility”, a facility operated by the enhanced business enterprise or a related company in this state that is directly related to the operation of the project facility;

(23) “Related facility base employment”, the greater of:

(a) The number of employees located at all related facilities on the date of the notice of intent; or

(b) For the twelve-month period prior to the date of the notice of intent, the average number of employees located at all related facilities of the enhanced business enterprise or a related company located in this state;

(24) “Related taxpayer”:

(a) A corporation, partnership, trust, or association controlled by the taxpayer;

(b) An individual, corporation, partnership, trust, or association in control of the taxpayer; or

(c) A corporation, partnership, trust or association controlled by an individual, corporation, partnership, trust or association in control of the taxpayer. “Control of a corporation” shall mean ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote, “control of a partnership or association” shall mean ownership of at least fifty percent of the capital or profits interest in such partnership or association, and “control of a trust” shall mean ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such trust; ownership shall be determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended;

(25) **“Renewable energy generation zone”, an area which has been found, by a resolution or ordinance adopted by the governing authority having jurisdiction of such area, to be a blighted area and which contains land, improvements, or a lock and dam site which is unutilized or underutilized for the production, generation, conversion, and conveyance of electrical energy from a renewable**

energy resource;

(26) “Renewable energy resource”, shall include:

(a) Wind;

(b) Solar thermal sources or photovoltaic cells and panels;

(c) Dedicated crops grown for energy production;

(d) Cellulosic agricultural residues;

(e) Plant residues;

(f) Methane from landfills, agricultural operations, or wastewater treatment;

(g) Thermal depolymerization or pyrolysis for converting waste material to energy;

(h) Clean and untreated wood such as pallets;

(i) Hydroelectric power, which shall include electrical energy produced or generated by hydroelectric power generating equipment, as such term is defined in section 137.010;

(j) Fuel cells using hydrogen produced by one or more of the renewable resources provided in paragraphs (a) to (i) of this subdivision; or

(k) Any other sources of energy, not including nuclear energy, that are certified as renewable by rule by the department of natural resources;

(27) “Replacement business facility”, a facility otherwise described in subdivision (17) of this section, hereafter referred to in this subdivision as “new facility”, which replaces another facility, hereafter referred to in this subdivision as “old facility”, located within the state, which the taxpayer or a related taxpayer previously operated but discontinued operating on or before the close of the first taxable year for which the credit allowed by this section is claimed. A new facility shall be deemed to replace an old facility if the following conditions are met:

(a) The old facility was operated by the taxpayer or a related taxpayer during the taxpayer's or related taxpayer's taxable period immediately preceding the taxable year in which commencement of commercial operations occurs at the new facility; and

(b) The old facility was employed by the taxpayer or a related taxpayer in the operation of an enhanced business enterprise and the taxpayer continues the operation of the same or substantially similar enhanced business enterprise at the new facility. Notwithstanding the preceding provisions of this subdivision, a facility shall not be considered a replacement business facility if the taxpayer's new business facility investment, as computed in subdivision (19) of this section, in the new facility during the tax period for which the credits allowed in section 135.967 are claimed exceed one million dollars and if the total number of employees at the new facility exceeds the total number of employees at the old facility by at least two;

[(26)] (28) “Same or substantially similar enhanced business enterprise”, an enhanced business enterprise in which the nature of the products produced or sold, or activities conducted, are similar in character and use or are produced, sold, performed, or conducted in the same or similar manner as in another enhanced business enterprise.

135.953. 1. For purposes of sections 135.950 to 135.970, an area shall meet the following criteria in order to qualify as an enhanced enterprise zone:

(1) The area shall be a blighted area, have pervasive poverty, unemployment and general distress; and

(2) At least sixty percent of the residents living in the area have incomes below ninety percent of the median income of all residents:

(a) Within the state of Missouri, according to the last decennial census or other appropriate source as approved by the director; or

(b) Within the county or city not within a county in which the area is located, according to the last decennial census or other appropriate source as approved by the director; and

(3) The resident population of the area shall be at least five hundred but not more than one hundred thousand at the time of designation as an enhanced enterprise zone if the area lies within a metropolitan statistical area, as established by the United States Census Bureau, or if the area does not lie within a metropolitan statistical area, the resident population of the area at the time of designation shall be at least five hundred but not more than forty thousand inhabitants. If the population of the jurisdiction of the governing authority does not meet the minimum population requirements set forth in this subdivision, the population of the area must be at least fifty percent of the population of the jurisdiction. However, no enhanced enterprise zone shall be created which consists of the total area within the political boundaries of a county; and

(4) The level of unemployment of persons, according to the most recent data available from the United States Bureau of Census and approved by the director, within the area is equal to or exceeds the average rate of unemployment for:

(a) The state of Missouri over the previous twelve months; or

(b) The county or city not within a county over the previous twelve months.

2. Notwithstanding the requirements of subsection 1 of this section to the contrary, an enhanced enterprise zone may be established in an area located within a county for which public and individual assistance has been requested by the governor pursuant to Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq., for an emergency proclaimed by the governor pursuant to section 44.100 due to a natural disaster of major proportions, if the area to be designated is blighted and sustained severe damage as a result of such natural disaster, as determined by the state emergency management agency. An application for designation as an enhanced enterprise zone pursuant to this subsection shall be made before the expiration of one year from the date the governor requested federal relief for the area sought to be designated.

3. Notwithstanding the requirements of subsection 1 of this section to the contrary, an enhanced enterprise zone may be designated in a county of declining population if it meets the requirements of subdivisions (1), (3) and either (2) or (4) of subsection 1 of this section. For the purposes of this subsection, a “county of declining population” is one that has lost one percent or more of its population as demonstrated by comparing the most recent decennial census population to the next most recent decennial census population for the county.

4. In addition to meeting the requirements of subsection 1, 2, or 3 of this section, an area, to qualify as an enhanced enterprise zone, shall be demonstrated by the governing authority to have either:

(1) The potential to create sustainable jobs in a targeted industry; or

(2) A demonstrated impact on local industry cluster development.

5. Notwithstanding the requirements of subsections 1 and 4 of this section to the contrary, a renewable energy generation zone may be designated as an enhanced enterprise zone if the renewable energy generation zone meets the criteria set forth in subdivision (25) of section 135.950.

135.963. 1. Improvements made to real property as such term is defined in section 137.010 which are made in an enhanced enterprise zone subsequent to the date such zone or expansion thereto was designated, may, upon approval of an authorizing resolution **or ordinance** by the governing authority having jurisdiction of the area in which the improvements are made, be exempt, in whole or in part, from assessment and payment of ad valorem taxes of one or more affected political subdivisions. **Improvements made to real property, as such term is defined in section 137.010, which are locally assessed and in a renewable energy generation zone designated as an enhanced enterprise zone, subsequent to the date such enhanced enterprise zone or expansion thereto was designated, may, upon approval of an authorizing resolution or ordinance by the governing authority having jurisdiction of the area in which the improvements are made, be exempt, in whole or in part, from assessment and payment of ad valorem taxes of one or more affected political subdivisions.** In addition to enhanced business enterprises, a speculative industrial or warehouse building constructed by a public entity or a private entity if the land is leased by a public entity may be subject to such exemption.

2. Such authorizing resolution shall specify the percent of the exemption to be granted, the duration of the exemption to be granted, and the political subdivisions to which such exemption is to apply and any other terms, conditions, or stipulations otherwise required. A copy of the resolution shall be provided to the director within thirty calendar days following adoption of the resolution by the governing authority.

3. No exemption shall be granted until the governing authority holds a public hearing for the purpose of obtaining the opinions and suggestions of residents of political subdivisions to be affected by the exemption from property taxes. The governing authority shall send, by certified mail, a notice of such hearing to each political subdivision in the area to be affected and shall publish notice of such hearing in a newspaper of general circulation in the area to be affected by the exemption at least twenty days prior to the hearing but not more than thirty days prior to the hearing. Such notice shall state the time, location, date, and purpose of the hearing.

4. Notwithstanding subsection 1 of this section, at least one-half of the ad valorem taxes otherwise imposed on subsequent improvements to real property located in an enhanced enterprise zone of enhanced business enterprises or speculative industrial or warehouse buildings as indicated in subsection 1 of this section shall become and remain exempt from assessment and payment of ad valorem taxes of any political subdivision of this state or municipality thereof for a period of not less than ten years following the date such improvements were assessed, provided the improved properties are used for enhanced business enterprises. The exemption for speculative buildings is subject to the approval of the governing authority for a period not to exceed two years if the building is owned by a private entity and five years if the building is owned or ground leased by a public entity. This shall not preclude the building receiving an exemption for the remaining time period established by the governing authority if it was occupied by an enhanced business enterprise. The two- and five-year time periods indicated for speculative buildings shall not be an addition to the local abatement time period for such facility.

5. No exemption shall be granted for a period more than twenty-five years following the date on which the original enhanced enterprise zone was designated by the department.

6. The provisions of subsection 1 of this section shall not apply to improvements made to real property

begun prior to August 28, 2004.

7. The abatement referred to in this section shall not relieve the assessor or other responsible official from ascertaining the amount of the equalized assessed value of all taxable property annually as required by section 99.855, 99.957, or 99.1042 and shall not have the effect of reducing the payments in lieu of taxes referred to in subdivision (2) of subsection 1 of section 99.845, subdivision (2) of subsection 3 of section 99.957, or subdivision (2) of subsection 3 of section 99.1042 unless such reduction is set forth in the plan approved by the governing body of the municipality pursuant to subdivision (1) of subsection 1 of section 99.820, section 99.942, or section 99.1027.

137.010. The following words, terms and phrases when used in laws governing taxation and revenue in the state of Missouri shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

(1) “Grain and other agricultural crops in an unmanufactured condition” shall mean grains and feeds including, but not limited to, soybeans, cow peas, wheat, corn, oats, barley, kafir, rye, flax, grain sorghums, cotton, and such other products as are usually stored in grain and other elevators and on farms; but excluding such grains and other agricultural crops after being processed into products of such processing, when packaged or sacked. The term “processing” shall not include hulling, cleaning, drying, grating, or polishing;

(2) **“Hydroelectric power generating equipment”, very-low-head turbine generators with a nameplate generating capacity of at least four hundred kilowatts but not more than six hundred kilowatts and machinery and equipment used directly in the production, generation, conversion, storage, or conveyance of hydroelectric power to land-based devices and appurtenances used in the transmission of electrical energy;**

(3) “Intangible personal property”, for the purpose of taxation, shall include all property other than real property and tangible personal property, as defined by this section;

(3) “Real property” includes land itself, whether laid out in town lots or otherwise, and all growing crops, buildings, structures, improvements and fixtures of whatever kind thereon, **hydroelectric power generating equipment**, the installed poles used in the transmission or reception of electrical energy, audio signals, video signals or similar purposes, provided the owner of such installed poles is also an owner of a fee simple interest, possessor of an easement, holder of a license or franchise, or is the beneficiary of a right-of-way dedicated for public utility purposes for the underlying land; attached wires, transformers, amplifiers, substations, and other such devices and appurtenances used in the transmission or reception of electrical energy, audio signals, video signals or similar purposes when owned by the owner of the installed poles, otherwise such items are considered personal property; and stationary property used for transportation of liquid and gaseous products, including, but not limited to, petroleum products, natural gas, water, and sewage;

(4) “Tangible personal property” includes every tangible thing being the subject of ownership or part ownership whether animate or inanimate, other than money, and not forming part or parcel of real property as herein defined, but does not include household goods, furniture, wearing apparel and articles of personal use and adornment, as defined by the state tax commission, owned and used by a person in his home or dwelling place.”; and

Further amend the title and enacting clause accordingly.

Senator Munzlinger moved that the above amendment be adopted.

Senator Green raised the point of order that **SA 4** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Lager offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Bill No. 142, Page 2, Section 55.030, Line 31, by inserting after all of said line the following:

“304.120. 1. Municipalities, by ordinance, may establish reasonable speed regulations for motor vehicles within the limits of such municipalities. No person who is not a resident of such municipality and who has not been within the limits thereof for a continuous period of more than forty-eight hours, shall be convicted of a violation of such ordinances, unless it is shown by competent evidence that there was posted at the place where the boundary of such municipality joins or crosses any highway a sign displaying in black letters not less than four inches high and one inch wide on a white background the speed fixed by such municipality so that such sign may be clearly seen by operators and drivers from their vehicles upon entering such municipality.

2. Municipalities, by ordinance, may:

- (1) Make additional rules of the road or traffic regulations to meet their needs and traffic conditions;
- (2) Establish one-way streets and provide for the regulation of vehicles thereon;
- (3) Require vehicles to stop before crossing certain designated streets and boulevards;

(4) Limit the use of certain designated streets and boulevards to passenger vehicles, **except that each municipality shall allow at least one street, with lawful traffic movement and access from both directions, to be available for use by commercial motor vehicles to access any roads in the state highway system. Under no circumstance shall the provisions of this subdivision be construed to authorize municipalities to limit the use of all streets in the municipality;**

(5) Prohibit the use of certain designated streets to vehicles with metal tires, or solid rubber tires;

(6) Regulate the parking of vehicles on streets by the installation of parking meters for limiting the time of parking and exacting a fee therefor or by the adoption of any other regulatory method that is reasonable and practical, and prohibit or control left-hand turns of vehicles;

(7) Require the use of signaling devices on all motor vehicles; and

(8) Prohibit sound producing warning devices, except horns directed forward.

3. No ordinance shall be valid which contains provisions contrary to or in conflict with this chapter, except as herein provided.

4. No ordinance shall impose liability on the owner-lessor of a motor vehicle when the vehicle is being permissively used by a lessee and is illegally parked or operated if the registered owner-lessor of such vehicle furnishes the name, address and operator's license number of the person renting or leasing the vehicle at the time the violation occurred to the proper municipal authority within three working days from the time of receipt of written request for such information. Any registered owner-lessor who fails or refuses to provide such information within the period required by this subsection shall be liable for the imposition

of any fine established by municipal ordinance for the violation. Provided, however, if a leased motor vehicle is illegally parked due to a defect in such vehicle, which renders it inoperable, not caused by the fault or neglect of the lessee, then the lessor shall be liable on any violation for illegal parking of such vehicle.

5. No ordinance shall deny the use of commercial motor vehicles on all streets within the municipality.”; and

Further amend said bill, page 3, section 488.070, line 11, by inserting after all of said line the following:

“537.292. 1. Notwithstanding any other provision of law to the contrary, the use of motor vehicles on a public street or highway in a manner which is legal under state and local law shall not constitute a public or private nuisance, and shall not be the basis of a civil action for public or private nuisance.

2. No individual or business entity shall be subject to any civil action in law or equity for a public or private nuisance on the basis of such individual or business entity legally using motor vehicles on a public street or highway. Any actions by a court in this state to enjoin the use of a public street or highway in violation of this section and any damages awarded or imposed by a court, or assessed by a jury, against an individual or business entity for public or private nuisance in violation of this section shall be null and void.

3. Notwithstanding any other provision of law to the contrary, nothing in this section shall be construed to limit civil liability for compensatory damages arising from physical injury to another human being.”; and

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted.

Senator Callahan raised the point of order that **SA 5** is out of order as it goes beyond the scope of the subject matter of the underlying bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator McKenna offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Bill No. 142, Page 2, Section 55.030, Line 31, by inserting after all of said line the following:

“67.314. 1. The provisions of this section shall apply to contracts for construction awarded by political subdivisions of the state of Missouri and shall be known as the “Political Subdivision Construction Bidding Standards Act”.

2. Any political subdivision of the state authorizing the construction of facilities which may exceed an expenditure of twenty-five thousand dollars shall publicly advertise:

(1) Through publication in a central repository developed by the office of administration, or a private firm under contract with the office of administration, at no cost to the state;

(2) On the political subdivision's website, so long as it has a link to the office of administration's central repository;

(3) In a newspaper of general circulation located within the same county as the political

subdivision is located, or in an adjoining county if there is no newspaper in the same county, for once a week for two consecutive weeks; or

(4) Through publication, at no cost to the political subdivision, in a central repository developed by an organization representing political subdivisions. The organization may charge appropriate fees for access to bid solicitations.

3. The political subdivision may, in addition to advertising in the manner described in subsection 2 of this section, also advertise in business, trade, or minority newspapers.

4. For purposes of this section, the term “construction of facilities” shall mean the construction, alteration, or repair of any structure, including but not limited to buildings, highways, bridges, streets, viaducts, water or sewer lines or systems, or pipelines. The term shall include any demolition, moving, or excavation connected therewith, and the furnishing of surveying, construction engineering, planning or management services, or labor, material, or equipment, as required to perform work under the contract for construction.

5. Nothing in this section shall be construed to require the design or engineering of any project, as the term “project” is defined in section 8.287, to be awarded by competitive bidding if the contract for such services is under a separate contract from the contract for construction and is awarded under sections 8.285 to 8.291, or to construction management services governed by sections 8.675 to 8.687. Neither shall this section be construed to apply to contracts awarded for the “design/build” method of project delivery, if the political subdivision's procurement of “design/build” projects is otherwise authorized by law, local charter, ordinance, order, or resolution. The advertising requirements contained in this section shall not apply when a political subdivision has publicly stated, in writing, that because of the unique nature or limited availability of material, equipment, or skills for a construction project of the type described in subsection 2 of this section, the political subdivision is using a sole source method to award a construction contract. Nothing in this subsection shall be construed to relieve the political subdivision from the requirement to seek and obtain a bid from the company or firm to whom the contract will be awarded.

6. The provisions of this section shall not apply to any political subdivision required to advertise, solicit, award, and reject bids in compliance with:

(1) Other Missouri statutes, state rules, and federal and state funding requirements applicable to the specific political subdivision which are in effect on August 28, 2011, or as such requirements may be enacted or amended; or

(2) Any provision of a local charter, ordinance, order, resolution, or policy applicable to the specific political subdivision which is in effect or which is subsequently adopted by the political subdivision after August 28, 2011, as long as such state or local provisions require the political subdivision to meet equivalent or stricter competitive bidding requirements for construction as are contained in this section.

7. No bids shall be entertained by a political subdivision which are not made in accordance with the specifications furnished by the political subdivision and all contracts shall be awarded to the lowest and best bidder complying with the terms of the letting, provided that the political subdivision shall have the right to reject any and all bids.

8. All bidding shall conform to the following procedures:

(1) No bid shall be opened: in advance of the advertised deadline for submission of bids; or in a place other than that specified in the original solicitation of bids or in an amendment to the solicitation communicated in advance to all known bidders;

(2) No bid shall be accepted unless it is sealed and is in writing. If the letting of the project for which bids were solicited is cancelled, bids shall be returned to the bidders unopened;

(3) No bid shall be accepted after the advertised deadline for acceptance of bids;

(4) All bids received shall be held secure and confidential from all persons until the bids are opened pursuant to subdivision (1) of this subsection. Bids shall only be opened in public;

(5) Nothing in this section shall be construed to prohibit acceptance and processing of bids through an established program of electronic bidding by computer, provided bids accepted and processed electronically shall meet standards of confidentiality comparable to requirements for written bids established by this section.

9. Failure of the political subdivision to follow any of the procedures described in this section shall result in the contract being voided and the political subdivision shall rebid the contract in accordance with the provisions of this section.

10. Any person who would have submitted a bid except for failure of the political subdivision to advertise the contract pursuant to this section shall have standing to seek equitable relief in a court of competent jurisdiction within fifteen business days of the date the political subdivision opened the bids for the contract, but the only remedy that may be imposed by the court is ordering the contract to be rebid.

11. Nothing in this section shall be construed to require acceptance of a bid which exceeds the amount estimated by the political subdivision for the contract, nor shall anything in this section prohibit a political subdivision from awarding contracts without competitive bidding when the political subdivision deems it necessary to remove an immediate danger to the public health or safety, to prevent loss to public or private property which requires government action, or to prevent an interruption of or to restore an essential public service, however, the political subdivision shall produce a written public record documenting the need to contract for such services without competitive bidding.”; and

Further amend the title and enacting clause accordingly.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator Rupp offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Bill No. 142, Page 1, Section A, Line 3, by inserting after all of said line the following:

“50.622. Any county may amend the annual budget during any fiscal year in which the county receives additional funds **or a decrease in funds**, and such amount or source, including but not limited to, federal or state grants or private donations, could not be estimated when the budget was adopted. The county shall follow the same procedures as required in sections 50.525 to 50.745 for adoption of the annual budget to amend its budget during a fiscal year.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Schaefer offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for House Bill No. 142, Page 2, Section 55.030, Line 31, by inserting after all of said line the following:

“67.1521. 1. A district may levy by resolution one or more special assessments against real property within its boundaries, upon receipt of and in accordance with a petition signed by:

(1) Owners of real property collectively owning more than fifty percent by assessed value of real property within the boundaries of the district; and

(2) More than fifty percent per capita of the owners of all real property within the boundaries of the district.

2. The special assessment petition shall be in substantially the following form:

The (insert name of district) Community Improvement District (“District”) shall be authorized to levy special assessments against real property benefited within the District for the purpose of providing revenue for (insert general description of specific service and/or projects) in the district, such special assessments to be levied against each tract, lot or parcel of real property listed below within the district which receives special benefit as a result of such service and/or projects, the cost of which shall be allocated among this property by (insert method of allocation, e.g., per square foot of property, per square foot on each square foot of improvement, or by abutting foot of property abutting streets, roads, highways, parks or other improvements, or any other reasonable method) in an amount not to exceed dollars per (insert unit of measure). Such authorization to levy the special assessment shall expire on (insert date). The tracts of land located in the district which will receive special benefit from this service and/or projects are: (list of properties by common addresses and legal descriptions).

3. The method for allocating such special assessments set forth in the petition may be any reasonable method which results in imposing assessments upon real property benefited in relation to the benefit conferred upon each respective tract, lot or parcel of real property and the cost to provide such benefit.

4. By resolution of the board, the district may levy a special assessment rate lower than the rate ceiling set forth in the petition authorizing the special assessment and may increase such lowered special assessment rate to a level not exceeding the special assessment rate ceiling set forth in the petition without further approval of the real property owners; provided that a district imposing a special assessment pursuant to this section may not repeal or amend such special assessment or lower the rate of such special assessment if such repeal, amendment or lower rate will impair the district's ability to pay any liabilities that it has incurred, money that it has borrowed or obligations that it has issued.

5. Each special assessment which is due and owing shall constitute a perpetual lien against each tract, lot or parcel of property from which it is derived. Such lien may be foreclosed in the same manner as any other special assessment lien as provided in section 88.861 **or, at the option of the county collector, and upon certification by the district for collection, each special assessment may be added to the annual real estate tax bill for the property and collected by the county collector in the same manner and**

procedure for collecting real estate taxes. Each special assessment remaining unpaid on the first day of January annually is delinquent and enforcement of collection of the delinquent bill by the county collector shall be governed by the laws concerning delinquent and back taxes. The lien may be foreclosed in the same manner as a tax upon real property by land tax sale under chapter 140 or, if applicable to that county, chapter 141.

6. A separate fund or account shall be created by the district for each special assessment levied and each fund or account shall be identifiable by a suitable title. The proceeds of such assessments shall be credited to such fund or account. Such fund or account shall be used solely to pay the costs incurred in undertaking the specified service or project.

7. Upon completion of the specified service or project or both, the balance remaining in the fund or account established for such specified service or project or both shall be returned or credited against the amount of the original assessment of each parcel of property pro rata based on the method of assessment of such special assessment.

8. Any funds in a fund or account created pursuant to this section which are not needed for current expenditures may be invested by the board in accordance with applicable laws relating to the investment of funds of the city in which the district is located.

9. The authority of the district to levy special assessments shall be independent of the limitations and authorities of the municipality in which it is located; specifically, the provisions of section 88.812 shall not apply to any district.”; and

Further amend the title and enacting clause accordingly.

Senator Schaefer moved that the above amendment be adopted, which motion prevailed.

Senator Dixon offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for House Bill No. 142, Page 2, Section 55.030, Line 31, by inserting after all of said line the following:

“162.481. 1. Except as otherwise provided in this section, all elections of school directors in urban districts shall be held biennially at the same times and places as municipal elections.

2. In any urban district which includes all or the major part of a city which first obtained a population of more than seventy-five thousand inhabitants by reason of the 1960 federal decennial census, elections of directors shall be held on municipal election days of even-numbered years. The directors of the prior district shall continue as directors of the urban district until their successors are elected as herein provided. On the first Tuesday in April, 1964, four directors shall be elected, two for terms of two years to succeed the two directors of the prior district who were elected in 1960 and two for terms of six years to succeed the two directors of the prior district who were elected in 1961. The successors of these directors shall be elected for terms of six years. On the first Tuesday in April, 1968, two directors shall be elected for terms to commence on November 5, 1968, and to terminate on the first Tuesday in April, 1974, when their successors shall be elected for terms of six years. No director shall serve more than two consecutive six-year terms after October 13, 1963.

3. Except as otherwise provided in subsection 4 of this section, hereafter when a seven-director district becomes an urban district, the directors of the prior seven-director district shall continue as directors of the

urban district until the expiration of the terms for which they were elected and until their successors are elected as provided in this subsection.

The first biennial school election for directors shall be held in the urban district at the time provided in subsection 1 which is on the date of or subsequent to the expiration of the terms of the directors of the prior district which are first to expire, and directors shall be elected to succeed the directors of the prior district whose terms have expired. If the terms of two directors only have expired, the directors elected at the first biennial school election in the urban district shall be elected for terms of six years. If the terms of four directors have expired, two directors shall be elected for terms of six years and two shall be elected for terms of four years. At the next succeeding biennial election held in the urban district, successors for the remaining directors of the prior seven-director district shall be elected. If only two directors are to be elected they shall be elected for terms of six years each. If four directors are to be elected, two shall be elected for terms of six years and two shall be elected for terms of two years. After seven directors of the urban district have been elected under this subsection, their successors shall be elected for terms of six years.

4. In any school district in any city with a population of one hundred thousand or more inhabitants which is located within a county of the first classification that adjoins no other county of the first classification, or any school district which becomes an urban school district by reason of the 2000 federal decennial census, elections shall be held annually at the same times and places as general municipal elections for all years where one or more terms expire, and the terms shall be for three years and until their successors are duly elected and qualified for all directors elected on and after August 28, 1998.

5. In any school district in any home rule city with more than one hundred fifty-one thousand five hundred but fewer than one hundred fifty-one thousand six hundred inhabitants, candidates for school board election in which more than one seat on the school board is open, shall declare their candidacy for a particular seat on the school board. When more than one seat is open, the election authority shall designate the open seats by letter so that the candidates for the school board are required to run for a particular seat that is so designated. The declaration of candidacy for a particular seat shall be made in accordance with the procedures of section 162.281. Candidates shall also be nominated for a designated seat by petition in accordance with section 162.491."

Further amend the title and enacting clause accordingly.

Senator Dixon moved that the above amendment be adopted, which motion prevailed.

Senator Keaveny offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for House Bill No. 142, Page 2, Section 55.030, Line 31, by inserting immediately after said line the following:

"90.101. 1. Notwithstanding any law to the contrary, the board of commissioners of Tower Grove Park shall have the authority to adjust the size of its membership, provided that any such adjustment shall be approved by a majority vote of the board members.

2. Notwithstanding any law to the contrary, in case of any vacancy occurring in the membership of the board of commissioners of Tower Grove Park from death, resignation, or disqualification to act, the vacancy shall be filled by appointment from the remaining members of the board, or a majority of them, for the balance of the term then vacant, and all vacancies caused by the expiration of the term of office shall be

filled by appointment from the judges of the supreme court of the state of Missouri, or a majority of them or if said judges are unable or unwilling to so act, which shall be presumed by their failure to act within thirty days following delivery to the court of a slate of appointees, by the majority vote of the remaining board members.”; and

Further amend the title and enacting clause accordingly.

Senator Keaveny moved that the above amendment be adopted, which motion prevailed.

Senator Dempsey moved that **SCS** for **HB 142**, as amended, be adopted, which motion prevailed.

On motion of Senator Dempsey, **SCS** for **HB 142**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator McKenna—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Dempsey, title to the bill was agreed to.

Senator Dempsey moved that the vote by which the bill passed be reconsidered.

Senator Mayer moved that motion lay on the table, which motion prevailed.

HB 186, with **SCS**, introduced by Representatives Entlicher, et al, entitled:

An Act to repeal section 51.050, RSMo, and to enact in lieu thereof one new section relating to qualifications of clerks of county commissions.

Was taken up by Senator Parson.

SCS for **HB 186**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 186

An Act to repeal section 51.050, RSMo, and to enact in lieu thereof three new sections relating to county officers.

Was taken up.

Senator Parson moved that **SCS** for **HB 186** be adopted, which motion prevailed.

On motion of Senator Parson, **SCS** for **HB 186** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Parson, title to the bill was agreed to.

Senator Parson moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HCS for **HB 83**, entitled:

An Act to repeal sections 362.111 and 370.073, RSMo, and to enact in lieu thereof tow new sections relating to international transactions.

Was taken up by Senator Wasson.

On motion of Senator Wasson, **HCS** for **HB 83** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson
Wright-Jones—33							

NAYS—Senators—None

Absent—Senator McKenna—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

REFERRALS

President Pro Tem Mayer referred **HJR 2** to the Committee on Ways and Means and Fiscal Oversight.

President Pro Tem Mayer referred the appointment of Joseph Nicholson to the Committee on Gubernatorial Appointments.

RESOLUTIONS

Senator Parson offered Senate Resolution No. 896, regarding students at Whittier Alternative High School, Sedalia, which was adopted.

Senator Parson offered Senate Resolution No. 897, regarding students at Heber Hunt Elementary School, Sedalia, which was adopted.

Senator Crowell offered Senate Resolution No. 898, regarding Ronald Baker, Scott City, which was adopted.

Senator Crowell offered Senate Resolution No. 899, regarding Connie Fornkohl, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 900, regarding Patricia Fanger, Jackson, which was adopted.

Senator McKenna offered Senate Resolution No. 901, regarding students at Antonia Middle School, Arnold, which was adopted.

Senator Engler offered Senate Resolution No. 902, regarding Sheryl Vogt, Festus, which was adopted.

Senator Engler offered Senate Resolution No. 903, regarding Lorraine Govro, which was adopted.

Senator Engler offered Senate Resolution No. 904, regarding Alice Lentz, which was adopted.

Senator Engler offered Senate Resolution No. 905, regarding Dorothy Meyers, which was adopted.

Senator Engler offered Senate Resolution No. 906, regarding Krista G. Sulser Hampton, which was adopted.

Senator Brown offered Senate Resolution No. 907, regarding Steelville R-III School District, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Munzlinger introduced to the Senate, Mark DeShon, Dan Devlin, Brian Peterson and Mark Pierce, representatives of Farm Credit Services State Board.

Senator Schaaf introduced to the Senate, teachers, parents and eighty-eight fourth grade students from Prairie Point Elementary School, Kansas City.

On behalf of Senator Pearce, the President introduced to the Senate, Jessica Evans, Jefferson City.

Senator Ridgeway introduced to the Senate, teachers and thirty-four eighth grade students from St. Charles Borromeo Catholic School, Kansas City.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-EIGHTH DAY—WEDNESDAY, APRIL 27, 2011

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 562
HCS for HB 664
HCS for HB 579
HCS for HB 366

HCS for HBs 600, 337 & 413
HCS for HB 161
HCS for HB 523

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna
(In Fiscal Oversight)
SB 204-Dempsey, et al
(In Fiscal Oversight)

SCS for SB 122-Schaaf
(In Fiscal Oversight)
SJR 12-Green (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 260-Wasson, with SCS
2. SB 425-Goodman, with SCS
3. SB 400-Kraus, with SCS
4. SB 392-Rupp, with SCS
5. SB 403-Nieves
6. SB 329-Nieves
7. SB 353-Engler
8. SJR 16-Goodman, with SCS
9. SB 391-Lager

10. SB 253-Callahan and Cunningham,
with SCS
11. SB 223-Mayer
12. SB 119-Schaefer
13. SB 150-Munzlinger
14. SB 84-Wright-Jones
15. SB 45-Wright-Jones
16. SB 14-Pearce, with SCS

HOUSE BILLS ON THIRD READING

1. HB 109-Wells, et al (Wasson)
2. HCS for HB 136 (Brown)
3. HB 149-Day, et al, with SCS (Brown)

4. HB 217-Dugger and Entlicher (Wasson)
5. HCS for HB 220 (Brown)
6. HCS for HB 465 (Wasson)

- 7. HB 550-Day (Pearce)
- 8. HJR 2-McGhee, et al (Goodman)
(In Fiscal Oversight)
- 9. HB 442-Franz (Parson)

- 10. HB 137-Thompson, et al, with SCS
(Pearce)
- 11. HCS for HBs 112 & 285, with SCS
(Brown)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SS for SB 231-Lager

SENATE BILLS FOR PERFECTION

SBs 1 & 206-Ridgeway, with SCS & SA 1
(pending)
SBs 7, 5, 74 & 169-Goodman, with SCS
SB 10-Rupp
SB 23-Keaveny, with SCS & SS for SCS
(pending)
SB 25-Schaaf, with SCS & SS for SCS
(pending)
SB 28-Brown
SB 37-Lembke, with SCS
SB 52-Cunningham
SB 72-Kraus, with SS (pending)
SBs 88 & 82-Schaaf, with SCS & SA 1
(pending)
SB 120-Stouffer, with SS (pending)
SB 130-Rupp, with SCS & SS for SCS
(pending)
SB 155-Rupp, with SCS
SB 175-Munzlinger, et al, with SA 1
(pending)
SB 176-Munzlinger, et al
SBs 189, 217, 246, 252 & 79-Schmitt,
with SCS

SB 200-Crowell
SB 203-Schmitt, et al, with SS (pending)
SB 208-Lager
SB 209-Lager
SB 228-Pearce
SB 242-Cunningham, with SCS & SS for SCS
(pending)
SB 247-Pearce, with SS (pending)
SB 264-Rupp, with SCS
SB 278-Munzlinger, et al
SB 280-Purgason, et al, with SCS & SS
for SCS (pending)
SBs 291, 184 & 294-Pearce, with SCS & SA 4
(pending)
SB 299-Munzlinger, with SCS (pending)
SB 326-Wasson
SBs 369 & 370-Cunningham, with SCS
SB 390-Schmitt, et al
SBs 408 & 80-Crowell, with SCS
SB 420-Mayer, with SCS
SJR 11-Munzlinger, with SCS
SJR 15-Nieves, et al, with SS (pending)

HOUSE BILLS ON THIRD READING

HCS for HB 61
HB 71-Nasheed, et al

SS for SCS for HCS for HBs 73 & 47
(Crowell) (In Fiscal Oversight)

HCS for HBs 116 & 316, with SCS
 (Purgason)
 HB 204-Hoskins, et al (Stouffer)
 HCS for HB 338 (Lager)
 HB 339-Pollock, et al, with SS
 (pending) (Lager)

HB 423-Burlison, et al (Nieves)
 HCS for HB 556
 HB 738-Nasheed, et al, with SCS
 (pending) (Cunningham)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 68-Mayer, with HCS, as amended

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

HCS for HB 2, with SCS (Schaefer)
 HCS for HB 3, with SCS (Schaefer)
 HCS for HB 4, with SCS (Schaefer)
 HCS for HB 5, with SCS (Schaefer)
 HCS for HB 6, with SCS (Schaefer)
 HCS for HB 7, with SCS, as amended (Schaefer)
 HCS for HB 8, with SCS (Schaefer)

HCS for HB 9, with SCS (Schaefer)
 HCS for HB 10, with SCS (Schaefer)
 HCS for HB 11, with SCS (Schaefer)
 HCS for HB 12, with SCS (Schaefer)
 HCS for HB 13, with SCS (Schaefer)
 HCS for HB 193, with SS (Rupp)

RESOLUTIONS

Reported from Committee

SR 179-Purgason
 HCR 15-Brown (50), et al (Curls)

HCR 11-Nolte, et al (Justus)
 HCR 34-Hampton, et al (Munzlinger)

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Journal of the Senate

FIRST REGULAR SESSION

FIFTY-EIGHTH DAY—WEDNESDAY, APRIL 27, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“If any of you is lacking in wisdom, ask God, who gives to all generously and ungrudgingly, and it will be given to you.” (James 1:5)

Gracious God, speak to us every day so we let Your words speak volumes to those who depend on us to meet the various needs within this state. Give to us wisdom to follow You faithfully and to use this wisdom to help those we meet each day. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Dempsey announced that photographers from Missouri News Horizon were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Richard offered Senate Resolution No. 908, regarding Bill Gipson, Carl Junction, which was adopted.

Senator Kehoe offered Senate Resolution No. 909, regarding Debbie Hughes, which was adopted.

Senator Kehoe offered Senate Resolution No. 910, regarding Dr. Julia Sharpe, which was adopted.

Senator Brown offered Senate Resolution No. 911, regarding John F. Carney, III, Rolla, which was adopted.

Senator Engler offered Senate Resolution No. 912, regarding Juanita Conway, which was adopted.

Senator Kraus offered Senate Resolution No. 913, regarding Chuck Stephenson, which was adopted.

Senator Kraus offered Senate Resolution No. 914, regarding Jackie Robertson, which was adopted.

Senator Kraus offered Senate Resolution No. 915, regarding Becky Richardson, which was adopted.

Senator Kraus offered Senate Resolution No. 916, regarding Susie Needles, which was adopted.

Senator Kraus offered Senate Resolution No. 917, regarding Tom Merrell, which was adopted.

Senator Kraus offered Senate Resolution No. 918, regarding Kristen Merrell, which was adopted.

Senator Kraus offered Senate Resolution No. 919, regarding Rebeckah Mayer, which was adopted.

Senator Kraus offered Senate Resolution No. 920, regarding Julie Lee, which was adopted.

Senator Kraus offered Senate Resolution No. 921, regarding Andria Duello, which was adopted.

Senator Kraus offered Senate Resolution No. 922, regarding Angela Danley, which was adopted.

Senator Kraus offered Senate Resolution No. 923, regarding Nancy Collings, which was adopted.

Senator Kraus offered Senate Resolution No. 924, regarding Jeremy Bonnesen, which was adopted.

Senator Lembke offered Senate Resolution No. 925, regarding Grant Hastings, St. Louis, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2**. Representatives: Silvey, Stream, Flanigan, Lampe and Nasheed.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 3**. Representatives: Silvey, Stream, Flanigan, Lampe and Kelly (24).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for

HCS for HB 4. Representatives: Silvey, Stream, Flanigan, Lampe and Kelly (24).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS for HCS for HB 5.** Representatives: Silvey, Stream, Flanigan, Lampe and Kelly (24).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS for HCS for HB 6.** Representatives: Silvey, Stream, Flanigan, Lampe and Kelly (24).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS for HCS for HB 7,** as amended. Representatives: Silvey, Stream, Flanigan, Lampe and Kelly (24).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS for HCS for HB 8.** Representatives: Silvey, Stream, Flanigan, Lampe and Kelly (24).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS for HCS for HB 9.** Representatives: Silvey, Stream, Flanigan, Lampe and Kelly (24).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS for HCS for HB 10.** Representatives: Silvey, Stream, Flanigan, Lampe and Kelly (24).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS for HCS for HB 11.** Representatives: Silvey, Stream, Flanigan, Lampe and Kelly (24).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS for HCS for HB 12.** Representatives: Silvey, Stream, Flanigan, Lampe and Kelly (24).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS for HCS for HB 13.** Representatives: Silvey, Stream, Flanigan, Lampe and Kelly (24).

HOUSE BILLS ON THIRD READING

HB 109, introduced by Representatives Wells, et al, entitled:

An Act to repeal sections 30.260, 30.750, 30.758, 30.767, 30.810, and 30.860, RSMo, and to enact in lieu thereof five new sections relating to linked deposits, with an emergency clause.

Was taken up by Senator Wasson.

On motion of Senator Wasson, **HB 109** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Purgason—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

April 27, 2011

TO THE SECRETARY OF THE SENATE
96TH GENERAL ASSEMBLY
FIRST REGULAR SESSION
STATE OF MISSOURI

Herewith I return to you Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 113 & 95 entitled:

AN ACT

To repeal sections 273.327 and 273.345, RSMo, and to enact in lieu thereof four new sections relating to the care of dogs, with penalty provisions.

On April 27, 2011, I approved said Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 113 & 95.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

HOUSE BILLS ON THIRD READING

HCS for **HB 136**, entitled:

An Act to repeal sections 288.050, 288.090, and 288.100, RSMo, and to enact in lieu thereof four new sections relating to benefits for military spouses.

Was taken up by Senator Brown.

On motion of Senator Brown, **HCS** for **HB 136** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senator Crowell—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HB 149, introduced by Representatives Day, et al, with **SCS**, entitled:

An Act to repeal section 143.1004, RSMo, and to enact in lieu thereof one new section relating to the Missouri military family relief fund.

Was taken up by Senator Brown.

SCS for **HB 149**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 149**

An Act to repeal section 143.1004, RSMo, and to enact in lieu thereof one new section relating to the Missouri military family relief fund.

Was taken up.

Senator Ridgeway assumed the Chair.

Senator Brown moved that **SCS** for **HB 149** be adopted, which motion prevailed.

On motion of Senator Brown, **SCS** for **HB 149** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HB 217, introduced by Representatives Dugger and Entlicher, entitled:

An Act to amend chapter 115, RSMo, by adding thereto one new section relating to electronic voter identification verification systems.

Was taken up by Senator Wasson.

On motion of Senator Wasson, **HB 217** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Justus	Kehoe	Kraus	Lager	Lamping	Lembke
Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Green Keaveny—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HCS for HB 220, entitled:

An Act to repeal section 339.190, RSMo, and to enact in lieu thereof one new section relating to real estate licensees.

Was taken up by Senator Brown.

Senator Engler offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 220, Page 1, In the Title, Lines 2-3 of the title, by striking “real estate licensees” and inserting in lieu thereof the following: “licensure of certain professions”; and

Further amend said bill and page, Section A, Line 2, by inserting after all of said line the following:

“324.043. 1. Except as provided in this section, no disciplinary proceeding against any person or entity licensed, registered, or certified to practice a profession within the division of professional registration shall be initiated unless such action is commenced within three years of the date upon which the licensing, registering, or certifying agency received notice of an alleged violation of an applicable statute or regulation.

2. For the purpose of this section, notice shall be limited to:

(1) A written complaint;

(2) Notice of final disposition of a malpractice claim, including exhaustion of all extraordinary remedies and appeals;

(3) Notice of exhaustion of all extraordinary remedies and appeals of a conviction based upon a criminal statute of this state, any other state, or the federal government;

(4) Notice of exhaustion of all extraordinary remedies and appeals in a disciplinary action by a hospital, state licensing, registering or certifying agency, or an agency of the federal government.

3. For the purposes of this section, an action is commenced when a complaint is filed by the agency with the administrative hearing commission, any other appropriate agency, or in a court; or when a complaint is filed by the agency’s legal counsel with the agency in respect to an automatic revocation or a probation violation.

4. Disciplinary proceedings based upon repeated negligence shall be exempt from all limitations set forth in this section.

5. Disciplinary proceedings based upon a complaint involving sexual misconduct shall be exempt from all limitations set forth in this section.

6. Any time limitation provided in this section shall be tolled:

(1) During any time the accused licensee, registrant, or certificant is practicing exclusively outside the

state of Missouri or residing outside the state of Missouri and not practicing in Missouri;

(2) As to an individual complainant, during the time when such complainant is less than eighteen years of age;

(3) During any time the accused licensee, registrant, or certificant maintains legal action against the agency; or

(4) When a settlement agreement is offered to the accused licensee, registrant, or certificant, in an attempt to settle such disciplinary matter without formal proceeding pursuant to section 621.045 until the accused licensee, registrant, or certificant rejects or accepts the settlement agreement.

7. The licensing agency may, in its discretion, toll any time limitation when the accused **applicant**, licensee, registrant, or certificant enters into and participates in a treatment program for chemical dependency or mental impairment.

324.045. 1. Notwithstanding any provision of chapter 536, in any proceeding initiated by the division of professional registration or any board, committee, commission, or office within the division of professional registration to determine the appropriate level of discipline or additional discipline, if any, against a licensee of the board, committee, commission, or office within the division, if the licensee against whom the proceeding has been initiated upon a properly pled writing filed to initiate the contested case and upon proper notice fails to plead or otherwise defend against the proceeding, the board, commission, committee, or office within the division shall enter a default decision against the licensee without further proceedings. The terms of the default decision shall not exceed the terms of discipline authorized by law for the division, board, commission, or committee. The division, office, board, commission, or committee shall provide the licensee notice of the default decision in writing.

2. Upon motion stating facts constituting a meritorious defense and for good cause shown, a default decision may be set aside. The motion shall be made within a reasonable time, not to exceed thirty days after entry of the default decision. "Good cause" includes a mistake or conduct that is not intentionally or recklessly designed to impede the administrative process.

334.001. 1. Notwithstanding any other provision of law to the contrary, the following information is an open record and shall be released upon request of any person and may be published on the board's website:

(1) The name of a licensee or applicant;

(2) The licensee's business address;

(3) Registration type;

(4) Currency of the license, certificate, or registration;

(5) Professional schools attended;

(6) Degrees and certifications, including certification by the American Board of Medical Specialties, the American Osteopathic Association, or other certifying agency approved by the board by rule;

(7) To the extent provided to the board after August 28, 2011, discipline by another state or administrative agency;

(8) Limitations on practice placed by a court of competent jurisdiction;

(9) Any final discipline by the board, including the content of the settlement agreement or order issued; and

(10) Whether a discipline case brought by the board is pending in the administrative hearing commission or any court.

2. All other information pertaining to a licensee or applicant not specifically denominated an open record in subsection 1 of this section is a closed record and confidential.

3. The board shall disclose confidential information without charge or fee upon written request of the licensee or applicant if the information is less than five years old. If the information requested is more than five years old, the board may charge a fee equivalent to the fee specified by regulation.

4. At its discretion, the board may disclose confidential information, without the consent of the licensee or applicant, to a licensee or applicant for a license in order to further an investigation or to facilitate settlement negotiations, in the course of voluntary interstate exchange of information, in the course of any litigation concerning a licensee or applicant, pursuant to a lawful request, or to other administrative or law enforcement agencies acting within the scope of their statutory authority.

5. Information obtained from a federal administrative or law enforcement agency shall be disclosed only after the board has obtained written consent to the disclosure from the federal administrative or law enforcement agency.

6. The board is entitled to the attorney/client privilege and work product privilege to the same extent as any other person.

334.040. 1. Except as provided in section 334.260, all persons desiring to practice as physicians and surgeons in this state shall be examined as to their fitness to engage in such practice by the board. All persons applying for examination shall file a completed application with the board [at least eighty days before the date set for examination upon blanks] **upon forms** furnished by the board.

2. The examination shall be sufficient to test the applicant's fitness to practice as a physician and surgeon. The examination shall be conducted in such a manner as to conceal the identity of the applicant until all examinations have been scored. In all such examinations an average score of not less than seventy-five percent is required to pass; provided, however, that the board may require applicants to take the Federation Licensing Examination, also known as FLEX, or the United States Medical Licensing Examination (USMLE). If the FLEX examination is required, a weighted average score of no less than seventy-five [percent] is required to pass. **Scores from one test administration of the FLEX shall not be combined or averaged with scores from other test administrations to achieve a passing score.** The passing score of the United States Medical Licensing Examination shall be determined by the board through rule and regulation. The board shall not issue a permanent license as a physician and surgeon or allow the Missouri state board examination to be administered to any applicant who has failed to achieve a passing score within three attempts on licensing examinations administered in one or more states or territories of the United States, the District of Columbia or Canada. The steps one, two and three of the United States Medical Licensing Examination shall be taken within a seven-year period with no more than three attempts on any step of the examination; however, the board may grant an extension of the seven-year period if the applicant has obtained a MD/PhD degree in a program accredited by the [liaison committee on medical education] **Liaison Committee on Medical Education (LCME)** and a regional university accrediting body

or a DO/PhD degree accredited by the American Osteopathic Association and a regional university accrediting body. The board may waive the provisions of this section if the applicant is licensed to practice as a physician and surgeon in another state of the United States, the District of Columbia or Canada and the applicant has achieved a passing score on a licensing examination administered in a state or territory of the United States or the District of Columbia and no license issued to the applicant has been disciplined in any state or territory of the United States or the District of Columbia[. Prior to waiving the provisions of this section, the board may require the applicant to achieve a passing score on one of the following:

(1) The American Specialty Board's certifying examination in the physician's field of specialization;

(2) Part II of the FLEX; or

(3) The Federation portion of the State Medical Board's Special Purpose Examination (SPEX)] **and the applicant is certified in the applicant's area of specialty by the American Board of Medical Specialties, the American Osteopathic Association, or other certifying agency approved by the board by rule.**

3. If the board waives the provisions of this section, then the license issued to the applicant may be limited or restricted to the applicant's board specialty. [Scores from one test administration shall not be combined or averaged with scores from other test administrations to achieve a passing score.] The board shall not be permitted to favor any particular school or system of healing.

4. If an applicant has not actively engaged in the practice of clinical medicine or held a teaching or faculty position in a medical or osteopathic school approved by the American Medical Association, the Liaison Committee on Medical Education, or the American Osteopathic Association for any two years in the three year period immediately preceding the filing of his or her application for licensure, the board may require successful completion of another examination, continuing medical education, or further training before issuing a permanent license. The board shall adopt rules to prescribe the form and manner of such reexamination, continuing medical education, and training.

334.070. 1. Upon due application therefor and upon submission by such person of evidence satisfactory to the board that he **or she** is licensed to practice in this state, and upon the payment of fees required to be paid by this chapter, the board shall issue to [him] **such person** a certificate of registration. The certificate of registration shall contain the name of the person to whom it is issued and his **or her** office address [and residence address], the expiration date, and the date and number of the license to practice.

2. [Every person shall, upon receiving such certificate, cause it to be conspicuously displayed at all times in every office maintained by him in the state. If he maintains more than one office in this state, the board shall without additional fee issue to him duplicate certificates of registration for each office so maintained.] If any registrant shall change the location of his **or her** office during the period for which any certificate of registration has been issued, [he] **the registrant** shall, within fifteen days thereafter, notify the board of such change [and it shall issue to him without additional fee a new registration certificate showing the new location].

334.090. 1. Each applicant for registration under this chapter shall accompany the application for registration with a registration fee to be paid to the [director of revenue] **board**. If the application is filed and the fee paid after the registration renewal date, a delinquent fee shall be paid; but whenever in the opinion of the board the applicant's failure to register is caused by extenuating circumstances including illness of the applicant, as defined by rule and regulation, the delinquent fee may be waived by the board.

Whenever any new license is granted to any person under the provisions of this chapter, the board shall, upon application therefor, issue to such licensee a certificate of registration covering a period from the date of the issuance of the license to the next renewal date without the payment of any registration fee.

2. The board shall set the amount of the fees which this chapter authorizes and requires by rules and regulations promulgated pursuant to section 536.021. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering this chapter.

334.099. 1. The board may initiate a hearing to determine if reasonable cause exists to believe that a licensee or applicant is unable to practice his or her profession with reasonable skill and safety to the public by reason of medical or osteopathic incompetency, mental or physical incapacity, or due to the excessive use or abuse of alcohol or controlled substances:

(1) The board shall serve notice pursuant to section 536.067 of the hearing at least fifteen days prior to the hearing. Such notice shall include a statement of the reasons the board believes there is reasonable cause to believe that a licensee or applicant is unable to practice his or her profession with reasonable skill and safety to the public by reason of medical or osteopathic incompetency, mental, or physical incapacity, or due to the excessive use or abuse of alcohol or controlled substances;

(2) For purposes of this section and prior to any hearing, the board may, notwithstanding any other law limiting access to medical or other health data, obtain medical data and health records relating to the licensee or applicant without the licensee's or applicant's consent, upon issuance of a subpoena by the board. These data and records shall be admissible without further authentication by either board or licensee at any hearing held pursuant to this section;

(3) After a contested hearing before the board, and upon a showing of reasonable cause to believe that a licensee or applicant is unable to practice his or her profession with reasonable skill and safety to the public by reason of medical or osteopathic incompetency, mental, or physical incapacity, or due to the excessive use or abuse of alcohol or controlled substances the board may require a licensee or applicant to submit to an examination. The board shall maintain a list of facilities approved to perform such examinations. The licensee or applicant may propose a facility not previously approved to the board and the board may accept such facility as an approved facility for such licensee or applicant by a majority vote;

(4) For purposes of this subsection, every licensee or applicant is deemed to have consented to an examination upon a showing of reasonable cause. The applicant or licensee shall be deemed to have waived all objections to the admissibility of testimony by the provider of the examination and to the admissibility of examination reports on the grounds that the provider of the examination's testimony or the examination is confidential or privileged;

(5) Written notice of the order for an examination shall be sent to the applicant or licensee by registered mail, addressed to the licensee or applicant at the licensee's or applicant's last known address on file with the board, or shall be personally served on the applicant or licensee. The order shall state the cause for the examination, how to obtain information about approved facilities, and a time limit for obtaining the examination. The licensee or applicant shall cause a report of the examination to be sent to the board;

(6) The licensee or applicant shall sign all necessary releases for the board to obtain and use the examination during a hearing and to disclose the recommendations of the examination as part of a

disciplinary order;

(7) After receiving the report of the examination ordered in subdivision (3) of this subsection, the board may hold a hearing to determine if by a preponderance of the evidence the licensee or applicant is unable to practice with reasonable skill or safety to the public by reasons of medical or osteopathic incompetency, reason of mental or physical incapacity, or due to the excessive use or abuse of alcohol or controlled substances. If the board finds that the licensee or applicant is unable to practice with reasonable skill or safety to the public by reasons of medical or osteopathic incompetency, reason of mental or physical incapacity, or substance abuse, the board shall, after a hearing, enter an order imposing one or more of the disciplinary measures set forth in subsection 4 of section 334.100; and

(8) The provisions of chapter 536 for a contested case, except those provisions or amendments which are in conflict with this section, shall apply to and govern the proceedings contained in this subsection and the rights and duties of the parties involved. The person appealing such an action shall be entitled to present evidence under chapter 536 relevant to the allegations.

2. Failure to submit to the examination when directed shall be cause for the revocation of the license of the licensee or denial of the application. No license may be reinstated or application granted until such time as the examination is completed and delivered to the board or the board withdraws its order.

3. Neither the record of proceedings nor the orders entered by the board shall be used against a licensee or applicant in any other proceeding, except for a proceeding in which the board or its members are a party or in a proceeding involving any state or federal agency.

4. A licensee or applicant whose right to practice has been affected under this section shall, at reasonable intervals not to exceed twelve months, be afforded an opportunity to demonstrate that he or she can resume the competent practice of his or her profession or should be granted a license. The board may hear such motion more often upon good cause shown.

5. For purposes of this section, “examination” means a skills, multidisciplinary, or substance abuse evaluation.

334.100. 1. The board may refuse to issue or renew any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant’s right to file a complaint with the administrative hearing commission as provided by chapter 621. As an alternative to a refusal to issue or renew any certificate, registration or authority, the board may, at its discretion, issue a license which is subject to probation, restriction or limitation to an applicant for licensure for any one or any combination of causes stated in subsection 2 of this section. The board’s order of probation, limitation or restriction shall contain a statement of the discipline imposed, the basis therefor, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited or restricted license seeking review of the board’s determination. Notwithstanding any law to the contrary, the sole issue before the administrative hearing commission shall be whether there is cause to deny the license. If the commission determines there is cause to deny the license, the decision of whether to deny the license, issue the license with discipline, or issue the

license with no discipline vests in the board. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered as waived.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States **or any municipal violation**, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated pursuant to this chapter, for any offense [an essential element of which is] **involving** fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

(4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct or unprofessional conduct in the performance of the functions or duties of any profession licensed or regulated by this chapter, including, but not limited to, the following:

(a) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation; willfully and continually overcharging or overtreating patients; or charging for visits to the physician's office which did not occur unless the services were contracted for in advance, or for services which were not rendered or documented in the patient's records;

(b) Attempting, directly or indirectly, by way of intimidation, coercion or deception, to obtain or retain a patient or discourage the use of a second opinion or consultation;

(c) Willfully and continually performing inappropriate or unnecessary treatment, diagnostic tests or medical or surgical services;

(d) Delegating professional responsibilities to a person who is not qualified by training, skill, competency, age, experience or licensure to perform such responsibilities;

(e) Misrepresenting that any disease, ailment or infirmity can be cured by a method, procedure, treatment, medicine or device;

(f) Performing or prescribing medical services which have been declared by board rule to be of no medical or osteopathic value;

(g) Final disciplinary action by any professional medical or osteopathic association or society or licensed hospital or medical staff of such hospital in this or any other state or territory, whether agreed to voluntarily or not, and including, but not limited to, any removal, suspension, limitation, or restriction of the person's license or staff or hospital privileges, failure to renew such privileges or license for cause, or

other final disciplinary action, if the action was in any way related to unprofessional conduct, professional incompetence, malpractice or any other violation of any provision of this chapter;

(h) Signing a blank prescription form; or dispensing, prescribing, administering or otherwise distributing any drug, controlled substance or other treatment without sufficient examination **including failing to establish a valid physician-patient relationship pursuant to section 334.108**, or for other than medically accepted therapeutic or experimental or investigative purposes duly authorized by a state or federal agency, or not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease, except as authorized in section 334.104;

(i) Exercising influence within a physician-patient relationship for purposes of engaging a patient in sexual activity;

(j) **Being listed on any state or federal sexual offender registry;**

(k) Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient;

[(k)] **(l)** Failing to furnish details of a patient's medical records to other treating physicians or hospitals upon proper request; or failing to comply with any other law relating to medical records;

[(l)] **(m)** Failure of any applicant or licensee[, other than the licensee subject to the investigation,] to cooperate with the board during any investigation;

[(m)] **(n)** Failure to comply with any subpoena or subpoena duces tecum from the board or an order of the board;

[(n)] **(o)** Failure to timely pay license renewal fees specified in this chapter;

[(o)] **(p)** Violating a probation agreement, **order, or other settlement agreement** with this board or any other licensing agency;

[(p)] **(q)** Failing to inform the board of the physician's current residence and business address;

[(q)] **(r)** Advertising by an applicant or licensee which is false or misleading, or which violates any rule of the board, or which claims without substantiation the positive cure of any disease, or professional superiority to or greater skill than that possessed by any other physician. An applicant or licensee shall also be in violation of this provision if the applicant or licensee has a financial interest in any organization, corporation or association which issues or conducts such advertising;

(s) Any other conduct that is unethical or unprofessional involving a minor;

(5) Any conduct or practice which is or might be harmful or dangerous to the mental or physical health of a patient or the public; or incompetency[, gross negligence] or [repeated] negligence in the performance of the functions or duties of any profession licensed or regulated by this chapter. For the purposes of this subdivision, ["repeated negligence" means] **the following terms shall mean:**

(a) "Incompetency", lacking the requisite skills, abilities, and qualities to effectively perform an aspect of professional practice that the licensee has represented he or she can perform;

(b) "Negligence", the failure[, on more than one occasion,] to use that degree of skill and learning ordinarily used under the same or similar circumstances by the member of the applicant's or licensee's profession, in the treatment of one or more patients whether or not actual injury or harm occurs to

the patient as a result of any such negligence;

(6) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of this chapter **or chapter 324**, or of any lawful rule or regulation adopted pursuant to this chapter **or chapter 324**;

(7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from any school;

(8) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation or other final disciplinary action against the holder of or applicant for a license or other right to practice any profession regulated by this chapter by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee or applicant, including, but not limited to, the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or limiting the practice of medicine while subject to an investigation or while actually under investigation by any licensing authority, medical facility, branch of the armed forces of the United States of America, insurance company, court, agency of the state or federal government, or employer;

(9) A person is finally adjudged incapacitated or disabled by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not registered and currently eligible to practice pursuant to this chapter; or knowingly performing any act which in any way aids, assists, procures, advises, or encourages any person to practice medicine who is not registered and currently eligible to practice pursuant to this chapter. A physician who works in accordance with standing orders or protocols or in accordance with the provisions of section 334.104 shall not be in violation of this subdivision;

(11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;

(12) Failure to display a valid certificate or license if so required by this chapter or any rule promulgated pursuant to this chapter;

(13) Violation of the drug laws or rules and regulations of this state, **including but not limited to any provision of chapter 195**, any other state, or the federal government;

(14) Knowingly making, or causing to be made, or aiding, or abetting in the making of, a false statement in any birth, death or other certificate or document executed in connection with the practice of the person's profession;

(15) **Knowingly making a false statement, orally or in writing to the board;**

(16) Soliciting patronage in person or by agents or representatives, or by any other means or manner, under the person's own name or under the name of another person or concern, actual or pretended, in such a manner as to confuse, deceive, or mislead the public as to the need or necessity for or appropriateness of health care services for all patients, or the qualifications of an individual person or persons to diagnose, render, or perform health care services;

[(16)] (17) Using, or permitting the use of, the person's name under the designation of "Doctor", "Dr.", "M.D.", or "D.O.", or any similar designation with reference to the commercial exploitation of any goods, wares or merchandise;

[(17)] **(18)** Knowingly making or causing to be made a false statement or misrepresentation of a material fact, with intent to defraud, for payment pursuant to the provisions of chapter 208 or chapter 630 or for payment from Title XVIII or Title XIX of the federal Medicare program;

[(18)] **(19)** Failure or refusal to properly guard against contagious, infectious or communicable diseases or the spread thereof; maintaining an unsanitary office or performing professional services under unsanitary conditions; or failure to report the existence of an unsanitary condition in the office of a physician or in any health care facility to the board, in writing, within thirty days after the discovery thereof;

[(19)] **(20)** Any candidate for licensure or person licensed to practice as a physical therapist, paying or offering to pay a referral fee or, notwithstanding section 334.010 to the contrary, practicing or offering to practice professional physical therapy independent of the prescription and direction of a person licensed and registered as a physician and surgeon pursuant to this chapter, as a dentist pursuant to chapter 332, as a podiatrist pursuant to chapter 330, as an advanced practice registered nurse under chapter 335, or any licensed and registered physician, dentist, podiatrist, or advanced practice registered nurse practicing in another jurisdiction, whose license is in good standing;

[(20)] **(21)** Any candidate for licensure or person licensed to practice as a physical therapist, treating or attempting to treat ailments or other health conditions of human beings other than by professional physical therapy and as authorized by sections 334.500 to 334.620;

[(21)] **(22)** Any person licensed to practice as a physician or surgeon, requiring, as a condition of the physician-patient relationship, that the patient receive prescribed drugs, devices or other professional services directly from facilities of that physician's office or other entities under that physician's ownership or control. A physician shall provide the patient with a prescription which may be taken to the facility selected by the patient and a physician knowingly failing to disclose to a patient on a form approved by the advisory commission for professional physical therapists as established by section 334.625 which is dated and signed by a patient or guardian acknowledging that the patient or guardian has read and understands that the physician has a pecuniary interest in a physical therapy or rehabilitation service providing prescribed treatment and that the prescribed treatment is available on a competitive basis. This subdivision shall not apply to a referral by one physician to another physician within a group of physicians practicing together;

[(22)] **(23)** A pattern of personal use or consumption of any controlled substance unless it is prescribed, dispensed or administered by another physician who is authorized by law to do so;

[(23)] **(24)** **Habitual intoxication or dependence on alcohol, evidence of which may include more than one alcohol-related enforcement contact as defined by section 302.525;**

(25) **Failure to comply with a treatment program or an aftercare program entered into as part of a board order, settlement agreement or licensee's professional health program;**

(26) **Revocation, suspension, limitation, probation, or restriction of any kind whatsoever of any controlled substance authority, whether agreed to voluntarily or not, or voluntary termination of a controlled substance authority while under investigation;**

[(24)] **(27)** For a physician to operate, conduct, manage, or establish an abortion facility, or for a physician to perform an abortion in an abortion facility, if such facility comes under the definition of an ambulatory surgical center pursuant to sections 197.200 to 197.240, and such facility has failed to obtain or renew a license as an ambulatory surgical center;

[(25) Being unable to practice as a physician and surgeon or with a specialty with reasonable skill and safety to patients by reasons of medical or osteopathic incompetency, or because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or as a result of any mental or physical condition. The following shall apply to this subdivision:

(a) In enforcing this subdivision the board shall, after a hearing by the board, upon a finding of probable cause, require a physician to submit to a reexamination for the purpose of establishing his or her competency to practice as a physician or surgeon or with a specialty conducted in accordance with rules adopted for this purpose by the board, including rules to allow the examination of the pattern and practice of such physician's or surgeon's professional conduct, or to submit to a mental or physical examination or combination thereof by at least three physicians, one selected by the physician compelled to take the examination, one selected by the board, and one selected by the two physicians so selected who are graduates of a professional school approved and accredited as reputable by the association which has approved and accredited as reputable the professional school from which the licentiate graduated. However, if the physician is a graduate of a medical school not accredited by the American Medical Association or American Osteopathic Association, then each party shall choose any physician who is a graduate of a medical school accredited by the American Medical Association or the American Osteopathic Association;

(b) For the purpose of this subdivision, every physician licensed pursuant to this chapter is deemed to have consented to submit to a mental or physical examination when directed in writing by the board and further to have waived all objections to the admissibility of the examining physician's testimony or examination reports on the ground that the examining physician's testimony or examination is privileged;

(c) In addition to ordering a physical or mental examination to determine competency, the board may, notwithstanding any other law limiting access to medical or other health data, obtain medical data and health records relating to a physician or applicant without the physician's or applicant's consent;

(d) Written notice of the reexamination or the physical or mental examination shall be sent to the physician, by registered mail, addressed to the physician at the physician's last known address. Failure of a physician to designate an examining physician to the board or failure to submit to the examination when directed shall constitute an admission of the allegations against the physician, in which case the board may enter a final order without the presentation of evidence, unless the failure was due to circumstances beyond the physician's control. A physician whose right to practice has been affected under this subdivision shall, at reasonable intervals, be afforded an opportunity to demonstrate that the physician can resume the competent practice as a physician and surgeon with reasonable skill and safety to patients;

(e) In any proceeding pursuant to this subdivision neither the record of proceedings nor the orders entered by the board shall be used against a physician in any other proceeding. Proceedings under this subdivision shall be conducted by the board without the filing of a complaint with the administrative hearing commission;

(f) When the board finds any person unqualified because of any of the grounds set forth in this subdivision, it may enter an order imposing one or more of the disciplinary measures set forth in subsection 4 of this section.]

(28) Violating any professional trust or confidence.

3. Collaborative practice arrangements, protocols and standing orders shall be in writing and signed and dated by a physician prior to their implementation.

4. After the filing of such complaint before the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in combination, warn, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years, or may suspend the person's license, certificate or permit for a period not to exceed three years, or restrict or limit the person's license, certificate or permit for an indefinite period of time, or revoke the person's license, certificate, or permit, or administer a public or private reprimand, or deny the person's application for a license, or permanently withhold issuance of a license or require the person to submit to the care, counseling or treatment of physicians designated by the board at the expense of the individual to be examined, or require the person to attend such continuing educational courses and pass such examinations as the board may direct.

5. In any order of revocation, the board may provide that the person may not apply for reinstatement of the person's license for a period of time ranging from two to seven years following the date of the order of revocation. All stay orders shall toll this time period.

6. Before restoring to good standing a license, certificate or permit issued pursuant to this chapter which has been in a revoked, suspended or inactive state for any cause for more than two years, the board may require the applicant to attend such continuing medical education courses and pass such examinations as the board may direct.

7. In any investigation, hearing or other proceeding to determine a licensee's or applicant's fitness to practice, any record relating to any patient of the licensee or applicant shall be discoverable by the board and admissible into evidence, regardless of any statutory or common law privilege which such licensee, applicant, record custodian or patient might otherwise invoke. In addition, no such licensee, applicant, or record custodian may withhold records or testimony bearing upon a licensee's or applicant's fitness to practice on the ground of privilege between such licensee, applicant or record custodian and a patient.

334.102. 1. [Upon receipt of information that the holder of any certificate of registration or authority, permit or license issued pursuant to this chapter may present a clear and present danger to the public health and safety, the executive secretary or director shall direct that the information be brought to the board in the form of sworn testimony or affidavits during a meeting of the board.

2. The board may issue an order suspending and/or restricting the holder of a certificate of registration or authority, permit or license if it believes:

- (1) The licensee's acts, conduct or condition may have violated subsection 2 of section 334.100; and
- (2) A licensee is practicing, attempting or intending to practice in Missouri; and

(3) Either a licensee is unable by reason of any physical or mental condition to receive and evaluate information or to communicate decisions to the extent that the licensee's condition or actions significantly affect the licensee's ability to practice, or another state, territory, federal agency or country has issued an order suspending or restricting the holder of a license or other right to practice a profession regulated by this chapter, or the licensee has engaged in repeated acts of life-threatening negligence as defined in subsection 2 of section 334.100; and

(4) The acts, conduct or condition of the licensee constitute a clear and present danger to the public health and safety.

3. (1) The order of suspension or restriction:

(a) Shall be based on the sworn testimony or affidavits presented to the board;

(b) May be issued without notice and hearing to the licensee;

(c) Shall include the facts which lead the board to conclude that the acts, conduct or condition of the licensee constitute a clear and present danger to the public health and safety; and

(2) The board or the administrative hearing commission shall serve the licensee, in person or by certified mail, with a copy of the order of suspension or restriction and all sworn testimony or affidavits presented to the board, a copy of the complaint and the request for expedited hearing, and a notice of the place of and the date upon which the preliminary hearing will be held.

(3) The order of restriction shall be effective upon service of the documents required in subdivision (2) of this subsection.

(4) The order of suspension shall become effective upon the entry of the preliminary order of the administrative hearing commission.

(5) The licensee may seek a stay order from the circuit court of Cole County from the preliminary order of suspension, pending the issuance of a final order by the administrative hearing commission.

4. The board shall file a complaint in the administrative hearing commission with a request for expedited preliminary hearing and shall certify the order of suspension or restriction and all sworn testimony or affidavits presented to the board. Immediately upon receipt of a complaint filed pursuant to this section, the administrative hearing commission shall set the place and date of the expedited preliminary hearing which shall be conducted as soon as possible, but not later than five days after the date of service upon the licensee. The administrative hearing commission shall grant a licensee's request for a continuance of the preliminary hearing; however, the board's order shall remain in full force and effect until the preliminary hearing, which shall be held not later than forty-five days after service of the documents required in subdivision (2) of subsection 3.

5. At the preliminary hearing, the administrative hearing commission shall receive into evidence all information certified by the board and shall only hear evidence on the issue of whether the board's order of suspension or restriction should be terminated or modified. Within one hour after the preliminary hearing, the administrative hearing commission shall issue its oral or written preliminary order, with or without findings of fact and conclusions of law, that either adopts, terminates or modifies the board's order. The administrative hearing commission shall reduce to writing any oral preliminary order within five business days, but the effective date of the order shall be the date orally issued.

6. The preliminary order of the administrative hearing commission shall become a final order and shall remain in effect for three years unless either party files a request for a full hearing on the merits of the complaint filed by the board within thirty days from the date of the issuance of the preliminary order of the administrative hearing commission.

7. Upon receipt of a request for full hearing, the administrative hearing commission shall set a date for hearing and notify the parties in writing of the time and place of the hearing. If a request for full hearing is timely filed, the preliminary order of the administrative hearing commission shall remain in effect until the administrative hearing commission enters an order terminating, modifying, or dismissing its preliminary order or until the board issues an order of discipline following its consideration of the decision of the

administrative hearing commission pursuant to section 621.110 and subsection 3 of section 334.100.

8. In cases where the board initiates summary suspension or restriction proceedings against a physician licensed pursuant to this chapter, and said petition is subsequently denied by the administrative hearing commission, in addition to any award made pursuant to sections 536.085 and 536.087, the board, but not individual members of the board, shall pay actual damages incurred during any period of suspension or restriction.

9. Notwithstanding the provisions of this chapter or chapter 610 or chapter 621 to the contrary, the proceedings under this section shall be closed and no order shall be made public until it is final, for purposes of appeal.

10. The burden of proving the elements listed in subsection 2 of this section shall be upon the state board of registration for the healing arts.] **The board may, upon a showing of probable cause, issue an emergency suspension or restriction to a licensee for the following causes:**

(1) Engaging in sexual conduct, as defined in section 566.010, with a patient who is not the licensee's spouse or significant other, regardless of whether the patient consented to the contact;

(2) Engaging in sexual misconduct with a minor or a person the licensee believes to be a minor. "Sexual misconduct" means any conduct which would be illegal under state law;

(3) Possession of a controlled substance in violation of chapter 195 or any other state or federal drug law, rule, or regulation;

(4) Use of a controlled substance without a valid prescription;

(5) The licensee is adjudicated incapacitated or disabled by court of competent jurisdiction;

(6) Habitual intoxication or dependence on alcohol or controlled substances or failure to comply with a treatment program or an aftercare program entered into as part of a board order, settlement agreement, or a licensee's professional health program; or

(7) Any other conduct for which the board may otherwise impose discipline if such conduct is a serious danger to the health, safety, or welfare of a patient or the public.

2. The board shall hold a hearing to determine if probable cause exists.

(1) At least seven days prior to the hearing, the board shall serve the licensee with notice of the hearing, including a statement of the facts alleged to give rise to the emergency suspension, the affidavits the board intends to rely on to prove such facts, the date of the hearing, and the licensee's right to present evidence via affidavit or by his or her own sworn testimony;

(2) Service may be by personal service or by leaving a copy of the notice at the last known address of the licensee on file with the board.

(3) At the hearing, the board shall receive into evidence and review any affidavits presented in proper form from either party and shall hear the sworn testimony of the licensee if offered;

(4) If the board determines that there is probable cause pursuant to subsection one of this section, the board may issue an emergency suspension or restriction.

3. The emergency suspension or restriction shall be effective upon service pursuant to section 536.067 to the licensee of:

(1) The order of emergency suspension or restriction; and

(2) A statement of the basis of the emergency suspension or restriction.

4. (1) The suspension or restriction may be appealed to the circuit court of the county of residence of the licensee or if the licensee is not a resident of Missouri, to the circuit court of Cole County.

(2) Such appeal shall be filed within thirty days of the effective date of the suspension or restriction.

(3) The circuit court may modify or stay the emergency suspension or restriction upon a finding that the board's action:

(a) Was unsupported by competent and substantial evidence upon the whole record;

(b) Was arbitrary or capricious; or

(c) Involved an abuse of discretion.

(4) If the circuit court determines to vacate or modify the emergency suspension or restriction pursuant to this section, the court shall issue its decision vacating or modifying the suspension or restriction no later than five days after the appeal is filed.

5. (1) Unless the circuit court vacates the order, the board shall hold a hearing on the causes pled for discipline within ninety days of the effective date of the suspension issued pursuant to subsection 2 of this section.

(2) The board shall grant a continuance on request of the petitioner; except that, the emergency suspension or restriction shall remain in effect unless otherwise ordered by a court under subsection 4 of this section.

(3) The board shall determine whether cause for discipline exists and, if so, may impose any discipline otherwise authorized by state law.

(4) The board shall issue a final order within thirty days of hearing the case.

(5) The emergency suspension or restriction shall be terminated as of the date of the final order of the board.

6. Any action under subsections 1 to 7 of this section shall be in addition to and not in lieu of any penalty otherwise in the board's power to impose and may be brought concurrently with other actions.

7. Unless it conflicts with provisions of subsections 1 to 7 of this section, chapter 536 shall govern the hearings held under subsections 1 to 7 of this section.

8. If the court vacates the emergency suspension or in its final order the board rescinds the emergency suspension, the board shall remove all reference to such emergency suspension from its public records. Records relating to the suspension shall be maintained in the board files. The board or licensee may use such records in the course of any litigation to which they are both parties. Additionally, such records may be released upon a specific, written requested of the license.

9. (1) The board may initiate a hearing before the board for discipline of any licensee's license or certificate upon receipt of:

(a) **Certified court records of a finding of guilt or plea of guilty or nolo contendere in a criminal prosecution under the laws of any state or the United States for any offense involving the qualifications, functions, or duties of any profession licensed or regulated under this chapter; for any offense involving fraud, dishonesty, or an act of violence; or for any offense involving moral turpitude, whether or not sentence is imposed;**

(b) **Evidence of final discipline by any medical service provider, hospital, clinic, or agency against the licensee's license, certification, or privileges to practice, if the discipline was in any way related to unprofessional conduct, incompetence, malpractice, or any violation of any provisions of this chapter;**

(c) **Evidence of failure to pay fees as required by rule or provide a current address to the board;**

(d) **Evidence of final discipline against the licensee's license, certification, or registration to practice issued by any other state, the United States and its territories, or any other country;**

(e) **Evidence of certified court records finding the licensee has been judged incapacitated or disabled under Missouri law or the laws of any other state or the United States and its territories;**

(f) **Evidence of final discipline against a licensee by any other agency or entity of this state or any other state or the United States and its territories.**

(2) **The board shall provide the licensee not less than ten days notice of any hearing held under chapter 536.**

(3) **Upon a finding that cause exists to discipline a licensee's license, the board may impose any discipline otherwise available when disciplining licensees of that same profession.**

(4) **The board's decision regarding discipline of a license shall be subject to judicial review under chapter 536.**

334.103. 1. A license issued under this chapter by the Missouri State Board of Registration for the Healing Arts shall be automatically revoked at such time as the final trial proceedings are concluded whereby a licensee has been adjudicated and found guilty, or has entered a plea of guilty or nolo contendere, in a felony criminal prosecution under the laws of the state of Missouri, the laws of any other state, or the laws of the United States of America for any offense reasonably related to the qualifications, functions or duties of their profession, or for any felony offense[, an essential element of which is] **involving** fraud, dishonesty or an act of violence, or for any felony offense involving moral turpitude, whether or not sentence is imposed, or, upon the final and unconditional revocation of the license to practice their profession in another state or territory upon grounds for which revocation is authorized in this state following a review of the record of the proceedings and upon a formal motion of the state board of registration for the healing arts. The license of any such licensee shall be automatically reinstated if the conviction or the revocation is ultimately set aside upon final appeal in any court of competent jurisdiction.

2. Anyone who has been denied a license, permit or certificate to practice in another state shall automatically be denied a license to practice in this state. However, the board of healing arts may set up other qualifications by which such person may ultimately be qualified and licensed to practice in Missouri.

334.108. 1. Prior to prescribing any drug, controlled substance, or other treatment through the internet, a physician shall establish a valid physician-patient relationship. This relationship shall include:

(1) Obtaining a reliable medical history and performing a physical examination of the patient, adequate to establish the diagnosis for which the drug is being prescribed and to identify underlying conditions or contraindications to the treatment recommended or provided;

(2) Having sufficient dialogue with the patient regarding treatment options and the risks and benefits of treatment or treatments;

(3) If appropriate, following up with the patient to assess the therapeutic outcome;

(4) Maintaining a contemporaneous medical record that is readily available to the patient and, subject to the patient's consent, to the patient's other health care professionals; and

(5) Including the electronic prescription information as part of the patient's medical record.

2. The requirements of subsection 1 of this section shall not apply to treatment provided in a hospital as defined in section 197.020, in a hospice program as defined in section 197.250, in accordance with a collaborative practice agreement as defined in section 334.104, in conjunction with a licensed physician assistant, or in consultation with another physician who has an ongoing professional relationship with the patient, and who has agreed to supervise the patient's treatment, including use of any prescribed medications, and on-call or cross-coverage situations.

334.715. 1. The board may refuse to **issue or renew any** license [any applicant or may suspend, revoke, or refuse to renew the license of any licensee for any one or any combination of the causes provided in section 334.100, or if the applicant or licensee] **required under sections 334.700 to 334.725 for one or any combination of causes listed in subsection 2 of this section or any cause listed in section 334.100.** The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided in chapter 621. As an alternative to a refusal to issue or renew any certificate, registration, or authority, the board may, in its discretion, issue a license which is subject to reprimand, probation, restriction, or limitation to an applicant for licensure for any one or any combination of causes listed in subsection 2 of this section or section 334.100. The board's order of reprimand, probation, limitation, or restriction shall contain a statement of the discipline imposed, the basis therefor, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited, or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited, or restricted license seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered waived.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided in chapter 621 against any holder of a certificate of registration or authority, permit, or license required by sections 334.700 to 334.725 or any person who has failed to renew or has surrendered the person's certification of registration or license for any one or any combination of the following causes:

(1) Violated or conspired to violate any provision of sections 334.700 to 334.725 or any provision of any rule promulgated pursuant to sections 334.700 to 334.725; or

(2) Has been found guilty of unethical conduct as defined in the ethical standards of the National

Athletic Trainers Association or the National Athletic Trainers Association Board of Certification, or its successor agency, as adopted and published by the committee and the board and filed with the secretary of state; **or**

(3) Any cause listed in section 334.100.

[2. Upon receipt of a written application made in the form and manner prescribed by the board, the board may reinstate any license which has expired, been suspended or been revoked or may issue any license which has been denied; provided, that no application for reinstatement or issuance of license or licensure shall be considered until at least six months have elapsed from the date of denial, expiration, suspension, or revocation when the license to be reinstated or issued was denied issuance or renewal or was suspended or revoked for one of the causes listed in subsection 1 of this section.]

3. After the filing of such complaint before the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds provided in subsection 2 of this section for disciplinary action are met, the board may, singly or in combination:

(1) Warn, censure, or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years; or

(2) Suspend the person's license, certificate, or permit; or

(3) Administer a public or private reprimand; or

(4) Deny the person's application for a license; or

(5) Permanently withhold issuance of a license or require the person to submit to the care, counseling, or treatment of physicians designated by the board at the expense of the individual to be examined; or

(6) Require the person to attend such continuing education courses and pass such examinations as the board may direct.

4. In any order of revocation, the board may provide that the person shall not apply for reinstatement of the person's license for a period of time ranging from two to seven years following the date of the order of revocation. All stay orders shall toll such time period.

5. Before restoring to good standing a license, certificate, or permit issued under this chapter which has been in a revoked, suspended, or inactive state for any cause for more than two years, the board may require the applicant to attend such continuing education courses and pass such examinations as the board may direct.”; and

Further amend said bill, Page 1, Section 339.190, Line 18, by inserting after all of said line the following:

“536.063. In any contested case:

(1) The contested case shall be commenced by the filing of a writing by which the party or agency instituting the proceeding seeks such action as by law can be taken by the agency only after opportunity for hearing, or seeks a hearing for the purpose of obtaining a decision reviewable upon the record of the proceedings and evidence at such hearing, or upon such record and additional evidence, either by a court or by another agency. Answering, intervening and amendatory writings and motions may be filed in any

case and shall be filed where required by rule of the agency, except that no answering instrument shall be required unless the notice of institution of the case states such requirement. Entries of appearance shall be permitted[.];

(2) Any writing filed whereby affirmative relief is sought shall state what relief is sought or proposed and the reason for granting it, and shall not consist merely of statements or charges phrased in the language of a statute or rule; provided, however, that this subdivision shall not apply when the writing is a notice of appeal as authorized by law[.];

(3) Reasonable opportunity shall be given for the preparation and presentation of evidence bearing on any issue raised or decided or relief sought or granted. Where issues are tried without objection or by consent, such issues shall be deemed to have been properly before the agency. Any formality of procedure may be waived by mutual consent[.];

(4) Every writing seeking relief or answering any other writing, and any motion shall state the name and address of the attorney, if any, filing it; otherwise the name and address of the party filing it[.];

(5) By rule the agency may require any party filing such a writing to furnish, in addition to the original of such writing, the number of copies required for the agency's own use and the number of copies necessary to enable the agency to comply with the provisions of this subdivision hereinafter set forth. The agency shall, without charge therefor, mail one copy of each such writing, as promptly as possible after it is filed, to every party or his **or her** attorney who has filed a writing or who has entered his **or her** appearance in the case, and who has not theretofore been furnished with a copy of such writing and shall have requested copies of the writings; provided that in any case where the parties are so numerous that the requirements of this subdivision would be unduly onerous, the agency may in lieu thereof (a) notify all parties of the fact of the filing of such writing, and (b) permit any party to copy such writing[.];

(6) When a holder of a license, registration, permit, or certificate of authority issued by the division of professional registration or a board, commission, or committee of the division of professional registration against whom an affirmative decision is sought has failed to plead or otherwise respond in the contested case and adequate notice has been given under section 536.067 upon a properly pled writing filed to initiate the contested case under this chapter, a default decision shall be entered against the licensee without further proceedings. The default decision shall grant such relief as requested by the division of professional registration, board, committee, commission, or office in the writing initiating the contested case as allowed by law. Upon motion stating facts constituting a meritorious defense and for good cause shown, a default decision may be set aside. The motion shall be made within a reasonable time, not to exceed thirty days after entry of the default decision. "Good cause" includes a mistake or conduct that is not intentionally or recklessly designed to impede the administrative process.

536.067. In any contested case:

(1) The agency shall promptly mail a notice of institution of the case to all necessary parties, if any, and to all persons designated by the moving party and to any other persons to whom the agency may determine that notice should be given. The agency or its clerk or secretary shall keep a permanent record of the persons to whom such notice was sent and of the addresses to which sent and the time when sent. Where a contested case would affect the rights, privileges or duties of a large number of persons whose interests are sufficiently similar that they may be considered as a class, notice may in a proper case be given to a reasonable number thereof as representatives of such class. In any case where the name or address of

any proper or designated party or person is not known to the agency, and where notice by publication is permitted by law, then notice by publication may be given in accordance with any rule or regulation of the agency or if there is no such rule or regulation, then, in a proper case, the agency may by a special order fix the time and manner of such publication[.];

(2) The notice of institution of the case to be mailed as provided in this section shall state in substance:

(a) The caption and number of the case;

(b) That a writing seeking relief has been filed in such case, the date it was filed, and the name of the party filing the same;

(c) A brief statement of the matter involved in the case unless a copy of the writing accompanies said notice;

(d) Whether an answer to the writing is required, and if so the date when it must be filed;

(e) That a copy of the writing may be obtained from the agency, giving the address to which application for such a copy may be made. This may be omitted if the notice is accompanied by a copy of such writing;

(f) The location in the Code of State Regulations of any rules of the agency regarding discovery or a statement that the agency shall send a copy of such rules on request;

(3) Unless the notice of hearing hereinafter provided for shall have been included in the notice of institution of the case, the agency shall, as promptly as possible after the time and place of hearing have been determined, mail a notice of hearing to the moving party and to all persons and parties to whom a notice of institution of the case was required to be or was mailed, and also to any other persons who may thereafter have become or have been made parties to the proceeding. The notice of hearing shall state:

(a) The caption and number of the case;

(b) The time and place of hearing;

(4) No hearing in a contested case shall be had, except by consent, until a notice of hearing shall have been given substantially as provided in this section, and such notice shall in every case be given a reasonable time before the hearing. Such reasonable time shall be at least ten days except in cases where the public morals, health, safety or interest may make a shorter time reasonable; provided that when a longer time than ten days is prescribed by statute, no time shorter than that so prescribed shall be deemed reasonable;

(5) When a holder of a license, registration, permit, or certificate of authority issued by the division of professional registration or a board, commission, or committee of the division of professional registration against whom an affirmative decision is sought has failed to plead or otherwise respond in the contested case and adequate notice has been given under this section upon a properly pled writing filed to initiate the contested case under this chapter, a default decision shall be entered against the holder of a license, registration, permit, or certificate of authority without further proceedings. The default decision shall grant such relief as requested by the division of professional registration, board, committee, commission, or office in the writing initiating the contested case as allowed by law. Upon motion stating facts constituting a meritorious defense and for good cause shown, a default decision may be set aside. The motion shall be made within a reasonable time, not to exceed thirty days after entry of the default decision. "Good cause" includes a mistake or conduct that is not intentionally or recklessly designed to impede the administrative

process.

536.070. In any contested case:

(1) Oral evidence shall be taken only on oath or affirmation[.];

(2) Each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not the subject of the direct examination, to impeach any witness regardless of which party first called him **or her** to testify, and to rebut the evidence against him[.] **or her**;

(3) A party who does not testify in his **or her** own behalf may be called and examined as if under cross-examination[.];

(4) Each agency shall cause all proceedings in hearings before it to be suitably recorded and preserved. A copy of the transcript of such a proceeding shall be made available to any interested person upon the payment of a fee which shall in no case exceed the reasonable cost of preparation and supply[.];

(5) Records and documents of the agency which are to be considered in the case shall be offered in evidence so as to become a part of the record, the same as any other evidence, but the records and documents may be considered as a part of the record by reference thereto when so offered[.];

(6) Agencies shall take official notice of all matters of which the courts take judicial notice. They may also take official notice of technical or scientific facts, not judicially cognizable, within their competence, if they notify the parties, either during a hearing or in writing before a hearing, or before findings are made after hearing, of the facts of which they propose to take such notice and give the parties reasonable opportunity to contest such facts or otherwise show that it would not be proper for the agency to take such notice of them[.];

(7) Evidence to which an objection is sustained shall, at the request of the party seeking to introduce the same, or at the instance of the agency, nevertheless be heard and preserved in the record, together with any cross-examination with respect thereto and any rebuttal thereof, unless it is wholly irrelevant, repetitious, privileged, or unduly long[.];

(8) Any evidence received without objection which has probative value shall be considered by the agency along with the other evidence in the case. The rules of privilege shall be effective to the same extent that they are now or may hereafter be in civil actions. Irrelevant and unduly repetitious evidence shall be excluded. **Evidence contesting or challenging the basis or merits of a guilty finding or a plea of guilty or nolo contendere in a criminal prosecution under the laws of any state or the United States or any of its territories or the basis or merits of any disciplinary action taken by any other state or territory shall be excluded when evidence establishing the existence of such guilty finding, plea of guilty or nolo contendere, or disciplinary action has been admitted in the case;**

(9) Copies of writings, documents and records shall be admissible without proof that the originals thereof cannot be produced, if it shall appear by testimony or otherwise that the copy offered is a true copy of the original, but the agency may, nevertheless, if it believes the interests of justice so require, sustain any objection to such evidence which would be sustained were the proffered evidence offered in a civil action in the circuit court, but if it does sustain such an objection, it shall give the party offering such evidence reasonable opportunity and, if necessary, opportunity at a later date, to establish by evidence the facts sought to be proved by the evidence to which such objection is sustained[.];

(10) Any writing or record, whether in the form of an entry in a book or otherwise, made as a memorandum or record of an act, transaction, occurrence or event, shall be admissible as evidence of the act, transaction, occurrence or event, if it shall appear that it was made in the regular course of any business, and that it was the regular course of such business to make such memorandum or record at the time of such act, transaction, occurrence, or event or within a reasonable time thereafter. All other circumstances of the making of such writing or record, including lack of personal knowledge by the entrant or maker, may be shown to affect the weight of such evidence, but such showing shall not affect its admissibility. The term “business” shall include business, profession, occupation and calling of every kind[.];

(11) The results of statistical examinations or studies, or of audits, compilations of figures, or surveys, involving interviews with many persons, or examination of many records, or of long or complicated accounts, or of a large number of figures, or involving the ascertainment of many related facts, shall be admissible as evidence of such results, if it shall appear that such examination, study, audit, compilation of figures, or survey was made by or under the supervision of a witness, who is present at the hearing, who testifies to the accuracy of such results, and who is subject to cross-examination, and if it shall further appear by evidence adduced that the witness making or under whose supervision such examination, study, audit, compilation of figures, or survey was made was basically qualified to make it. All the circumstances relating to the making of such an examination, study, audit, compilation of figures or survey, including the nature and extent of the qualifications of the maker, may be shown to affect the weight of such evidence but such showing shall not affect its admissibility[.];

(12) Any party or the agency desiring to introduce an affidavit in evidence at a hearing in a contested case may serve on all other parties (including, in a proper case, the agency) copies of such affidavit in the manner hereinafter provided, at any time before the hearing, or at such later time as may be stipulated. Not later than seven days after such service, or at such later time as may be stipulated, any other party (or, in a proper case, the agency) may serve on the party or the agency who served such affidavit an objection to the use of the affidavit or some designated portion or portions thereof on the ground that it is in the form of an affidavit; provided, however, that if such affidavit shall have been served less than eight days before the hearing such objection may be served at any time before the hearing or may be made orally at the hearing. If such objection is so served, the affidavit or the part thereof to which objection was made, may not be used except in ways that would have been permissible in the absence of this subdivision; provided, however, that such objection may be waived by the party or the agency making the same. Failure to serve an objection as aforesaid, based on the ground aforesaid, shall constitute a waiver of all objections to the introduction of such affidavit, or of the parts thereof with respect to which no such objection was so served, on the ground that it is in the form of an affidavit, or that it constitutes or contains hearsay evidence, or that it is not, or contains matters which are not, the best evidence, but any and all other objections may be made at the hearing. Nothing herein contained shall prevent the cross-examination of the affiant if he **or she** is present in obedience to a subpoena or otherwise and if he **or she** is present, he **or she** may be called for cross-examination during the case of the party who introduced the affidavit in evidence. If the affidavit is admissible in part only it shall be admitted as to such part, without the necessity of preparing a new affidavit. The manner of service of such affidavit and of such objection shall be by delivering or mailing copies thereof to the attorneys of record of the parties being served, if any, otherwise, to such parties, and service shall be deemed complete upon mailing; provided, however, that when the parties are so numerous as to make service of copies of the affidavit on all of them unduly onerous, the agency may make an order specifying on what parties service of copies of such affidavit shall be made, and in that case a copy of such affidavit shall be filed with the agency and kept available for inspection and copying. Nothing in this

subdivision shall prevent any use of affidavits that would be proper in the absence of this subdivision.

621.045. 1. The administrative hearing commission shall conduct hearings and make findings of fact and conclusions of law in those cases when, under the law, a license issued by any of the following agencies may be revoked or suspended or when the licensee may be placed on probation or when an agency refuses to permit an applicant to be examined upon his **or her** qualifications or refuses to issue or renew a license of an applicant who has passed an examination for licensure or who possesses the qualifications for licensure without examination:

Missouri State Board of Accountancy

Missouri State Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects

Board of Barber Examiners

Board of Cosmetology

Board of Chiropody and Podiatry

Board of Chiropractic Examiners

Missouri Dental Board

Board of Embalmers and Funeral Directors

Board of Registration for the Healing Arts

Board of Nursing

Board of Optometry

Board of Pharmacy

Missouri Real Estate Commission

Missouri Veterinary Medical Board

Supervisor of Liquor Control

Department of Health and Senior Services

Department of Insurance, Financial Institutions and Professional Registration

Department of Mental Health

Board of Private Investigator Examiners.

2. If in the future there are created by law any new or additional administrative agencies which have the power to issue, revoke, suspend, or place on probation any license, then those agencies are under the provisions of this law.

3. The administrative hearing commission is authorized to conduct hearings and make findings of fact and conclusions of law in those cases brought by the Missouri state board for architects, professional engineers, professional land surveyors and landscape architects against unlicensed persons under section 327.076.

4. Notwithstanding any other provision of this section to the contrary, after August 28, 1995, in order

to encourage settlement of disputes between any agency described in subsection 1 or 2 of this section and its licensees, any such agency shall:

(1) Provide the licensee with a written description of the specific conduct for which discipline is sought and a citation to the law and rules allegedly violated, together with copies of any documents which are the basis thereof and the agency's initial settlement offer, or file a contested case against the licensee;

(2) If no contested case has been filed against the licensee, allow the licensee at least sixty days, from the date of mailing, to consider the agency's initial settlement offer and to contact the agency to discuss the terms of such settlement offer;

(3) If no contested case has been filed against the licensee, advise the licensee that the licensee may, either at the time the settlement agreement is signed by all parties, or within fifteen days thereafter, submit the agreement to the administrative hearing commission for determination that the facts agreed to by the parties to the settlement constitute grounds for denying or disciplining the license of the licensee; and

(4) In any contact under this subsection by the agency or its counsel with a licensee who is not represented by counsel, advise the licensee that the licensee has the right to consult an attorney at the licensee's own expense.

5. If the licensee desires review by the administrative hearing commission under subdivision (3) of subsection 4 of this section at any time prior to the settlement becoming final, the licensee may rescind and withdraw from the settlement and any admissions of fact or law in the agreement shall be deemed withdrawn and not admissible for any purposes under the law against the licensee. Any settlement submitted to the administrative hearing commission shall not be effective and final unless and until findings of fact and conclusions of law are entered by the administrative hearing commission that the facts agreed to by the parties to the settlement constitute grounds for denying or disciplining the license of the licensee.

6. When a holder of a license, registration, permit, or certificate of authority issued by the division of professional registration or a board, commission, or committee of the division of professional registration against whom an affirmative decision is sought has failed to plead or otherwise respond in the contested case and adequate notice has been given under sections 536.067 and 621.100 upon a properly pled writing filed to initiate the contested case under this chapter or chapter 536, a default decision shall be entered against the licensee without further proceedings. The default decision shall grant such relief as requested by the division of professional registration, board, committee, commission, or office in the writing initiating the contested case as allowed by law. Upon motion stating facts constituting a meritorious defense and for good cause shown, a default decision may be set aside. The motion shall be made within a reasonable time, not to exceed thirty days after entry of the default decision. "Good cause" includes a mistake or conduct that is not intentionally or recklessly designed to impede the administrative process.

621.100. 1. Upon receipt of a written complaint from an agency named in section 621.045 in a case relating to a holder of a license granted by such agency, or upon receipt of such complaint from the attorney general, the administrative hearing commission shall cause a copy of said complaint to be served upon such licensee in person, **or by leaving a copy of the complaint at the licensee's dwelling house or usual place of abode or last address given to the agency by the licensee with some person residing or present therein over the age of fifteen**, or by certified mail, together with a notice of the place of and the date upon which the hearing on said complaint will be held. If service cannot be accomplished [in person or by certified mail] **as described in this section**, notice by publication as described in subsection 3 of section

506.160 shall be allowed; any commissioner is authorized to act as a court or judge would in that section, and any employee of the commission is authorized to act as a clerk would in that section. In any case initiated upon complaint of the attorney general, the agency which issued the license shall be given notice of such complaint and the date upon which the hearing will be held by delivery of a copy of such complaint and notice to the office of such agency or by certified mail. Such agency may intervene and may retain the services of legal counsel to represent it in such case.

2. When a holder of a license, registration, permit, or certificate of authority issued by the division of professional registration or a board, commission, or committee of the division of professional registration against whom an affirmative decision is sought has failed to plead or otherwise respond in the contested case and adequate notice has been given under this section and section 536.067 upon a properly pled writing filed to initiate the contested case under this chapter or chapter 536, a default decision shall be entered against the licensee without further proceedings. The default decision shall grant such relief as requested by the division of professional registration, board, committee, commission, or office in the writing initiating the contested case as allowed by law. Upon motion stating facts constituting a meritorious defense and for good cause shown, a default decision may be set aside. The motion shall be made within a reasonable time, not to exceed thirty days after entry of the default decision. “Good cause” includes a mistake or conduct that is not intentionally or recklessly designed to impede the administrative process.

3. In any case initiated under this section, the custodian of the records of an agency may prepare a sworn affidavit stating truthfully pertinent information regarding the license status of the licensee charged in the complaint, including only: the name of the licensee; his **or her** license number; its designated date of expiration; the date of his **or her** original Missouri licensure; the particular profession, practice or privilege licensed; and the status of his **or her** license as current and active or otherwise. This affidavit shall be received as substantial and competent evidence of the facts stated therein notwithstanding any objection as to the form, manner of presentment or admissibility of this evidence, and shall create a rebuttable presumption of the veracity of the statements therein; provided, however, that the procedures specified in section 536.070 shall apply to the introduction of this affidavit in any case where the status of this license constitutes a material issue of fact in the proof of the cause charged in the complaint.

621.110. Upon a finding in any cause charged by the complaint for which the license may be suspended or revoked as provided in the statutes and regulations relating to the profession or vocation of the licensee **and within one hundred twenty days of the date the case became ready for decision**, the commission shall deliver or transmit by mail to the agency which issued the license the record and a transcript of the proceedings before the commission together with the commission’s findings of fact and conclusions of law. The commission may make recommendations as to appropriate disciplinary action but any such recommendations shall not be binding upon the agency. A copy of the findings of fact, conclusions of law and the commission’s recommendations, if any, shall be delivered or transmitted by mail to the licensee if the licensee’s whereabouts are known, and to any attorney who represented the licensee. Within thirty days after receipt of the record of the proceedings before the commission and the findings of fact, conclusions of law, and recommendations, if any, of the commission, the agency shall set the matter for hearing upon the issue of appropriate disciplinary action and shall notify the licensee of the time and place of the hearing, provided that such hearing may be waived by consent of the agency and licensee where the commission has made recommendations as to appropriate disciplinary action. In case of such waiver by the agency and licensee, the recommendations of the commission shall become the order of the agency. The licensee may

appear at said hearing and be represented by counsel. The agency may receive evidence relevant to said issue from the licensee or any other source. After such hearing the agency may order any disciplinary measure it deems appropriate and which is authorized by law. In any case where the commission fails to find any cause charged by the complaint for which the license may be suspended or revoked, the commission shall dismiss the complaint, and so notify all parties.”; and

Further amend the title and enacting clause accordingly.

Senator Engler moved that the above amendment be adopted.

Senator Schaaf raised the point of order that **SA 1** is out of order as it goes beyond the scope of the underlying bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

On motion of Senator Brown, **HCS** for **HB 220** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HCS for **HB 465**, entitled:

An Act to repeal sections 370.100, 370.157, 370.310, 370.320, 370.353, and 370.359, RSMo, and to enact in lieu thereof thirteen new sections relating to credit unions.

Was taken up by Senator Wasson.

On motion of Senator Wasson, **HCS** for **HB 465** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce

Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HB 550, introduced by Representative Day, entitled:

An Act to repeal sections 301.600, 306.400, and 700.350, RSMo, and to enact in lieu thereof three new sections relating to liens and encumbrances.

Was taken up by Senator Pearce.

On motion of Senator Pearce, **HB 550** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HB 442, introduced by Representative Franz, entitled:

An Act to amend chapter 34, RSMo, by adding thereto one new section relating to preferences for state

contracts.

Was taken up by Senator Parson.

Senator Munzlinger offered **SA 1:**

SENATE AMENDMENT NO. 1

Amend House Bill No. 442, Page 1, In the Title, Line 2 of the title, by striking the following: “preferences for”; and

Further amend said bill, Page 2, Section 34.036, Line 22, by inserting after all of said line the following:

“34.376. 1. Sections 34.376 to 34.380 may be known as the “Transparency in Private Attorney Contracts Act”.

2. As used in sections 34.376 to 34.380, the following terms shall mean:

(1) “Government attorney”, an attorney employed by the state as an assistant attorney general;

(2) “Private attorney”, any private attorney or law firm;

(3) “State”, the state of Missouri, in any action instituted by the attorney general pursuant to section 27.060.

34.378. 1. The state shall not enter into a contingency fee contract with a private attorney unless the attorney general makes a written determination prior to entering into such a contract that contingency fee representation is both cost-effective and in the public interest. Any written determination shall include specific findings for each of the following factors:

(1) Whether there exists sufficient and appropriate legal and financial resources within the attorney general’s office to handle the matter;

(2) The time and labor required; the novelty, complexity, and difficulty of the questions involved; and the skill requisite to perform the attorney services properly;

(3) The geographic area where the attorney services are to be provided; and

(4) The amount of experience desired for the particular kind of attorney services to be provided and the nature of the private attorney’s experience with similar issues or cases.

2. If the attorney general makes the determination described in subsection 1 of this section, the attorney general shall request written proposals from private attorneys to represent the state, unless the attorney general determines that requesting proposals is not feasible under the circumstances and sets forth the basis for this determination in writing. If a request for proposals is issued, the attorney general shall choose the lowest and best bid or request the office of administration establish an independent panel to evaluate the proposals and choose the lowest and best bid.

3. The state may not enter into a contingency fee contract that provides for the private attorney to receive an aggregate contingency fee in excess of twenty-five percent of the net recovery to the state.

4. The state shall not enter into a contract for contingency fee attorney services unless the following requirements are met throughout the contract period and any extensions to the contract:

(1) The government attorneys shall retain complete control over the course and conduct of the

case;

(2) A government attorney with supervisory authority shall oversee the litigation;

(3) The government attorneys shall retain veto power over any decisions made by outside counsel;

(4) A government attorney with supervisory authority for the case shall attend all settlement conferences; and

(5) Decisions regarding settlement of the case shall be reserved exclusively to the discretion of the attorney general.

5. The attorney general shall develop a standard addendum to every contract for contingent fee attorney services that shall be used in all cases, describing in detail what is expected of both the contracted private attorney and the state, including, without limitation, the requirements listed in subsection 4 of this section.

6. Copies of any executed contingency fee contract and the attorney general's written determination to enter into a contingency fee contract with the private attorney shall be posted on the attorney general's website for public inspection within five business days after the date the contract is executed and shall remain posted on the website for the duration of the contingency fee contract, including any extensions or amendments to the contract. Any payment of contingency fees shall be posted on the attorney general's website within fifteen days after the payment of such contingency fees to the private attorney and shall remain posted on the website for at least three hundred sixty-five days.

7. Any private attorney under contract to provide services to the state on a contingency fee basis shall, from the inception of the contract until at least four years after the contract expires or is terminated, maintain detailed current records, including documentation of all expenses, disbursements, charges, credits, underlying receipts and invoices, and other financial transactions that concern the provision of such attorney services. The private attorney shall maintain detailed contemporaneous time records for the attorneys and paralegals working on the matter in increments of no greater than one tenth of an hour and shall promptly provide these records to the attorney general, upon request. Any request under chapter 610 for inspection and copying of such records shall be served upon and responded to by the attorney general's office.

8. By February first of each year, the attorney general shall submit a report to the president pro tem of the senate and the speaker of the house of representatives describing the use of contingency fee contracts with private attorneys in the preceding calendar year. At a minimum, the report shall:

(1) Identify all new contingency fee contracts entered into during the year and all previously executed contingency fee contracts that remain current during any part of the year, and for each contract describe:

(a) The name of the private attorney with whom the department has contracted, including the name of the attorney's law firm;

(b) The nature and status of the legal matter;

(c) The name of the parties to the legal matter;

(d) The amount of any recovery; and

(e) The amount of any contingency fee paid.

(2) Include copies of any written determinations made under subsections 1 and 2 of this section.

34.380. Nothing in sections 34.376 to 34.380 shall be construed to expand the authority of any state agency or state agent to enter into contracts where no such authority previously existed.”; and

Further amend the title and enacting clause accordingly.

Senator Munzlinger moved that the above amendment be adopted, which motion prevailed.

Senator Lager assumed the Chair.

At the request of Senator Parson, **HB 442**, as amended, was placed on the Informal Calendar.

On motion of Senator Dempsey, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Stouffer.

HOUSE BILLS ON THIRD READING

HB 137, introduced by Representatives Thomson, et al, with **SCS**, entitled:

An Act to repeal section 37.005, RSMo, and to enact in lieu thereof one new section relating to the transfer of property by certain state universities.

Was taken up by Senator Pearce.

SCS for **HB 137**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 137

An Act to repeal section 37.005, RSMo, and to enact in lieu thereof twenty-five new sections relating to the transfer of property, with an emergency clause.

Was taken up.

Senator Pearce moved that **SCS** for **HB 137** be adopted.

Senator Pearce offered **SS** for **SCS** for **HB 137**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 137

An Act to repeal section 37.005, RSMo, and to enact in lieu thereof twenty-five new sections relating to the transfer of property, with an emergency clause.

Senator Pearce moved that **SS** for **SCS** for **HB 137** be adopted.

Senator Crowell offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 137, Page 8, Section 37.005, Line 1, by inserting an opening bracket “[” immediately before the word “Southeast”; and further

amend line 2 of said page, by inserting a closing bracket “]” after the first occurrence of the following: “University,”.

Senator Crowell moved that the above amendment be adopted.

At the request of Senator Pearce, **HB 137**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 473**, entitled:

An Act to repeal sections 160.400, 160.405, 160.410, 160.415, and 160.420, RSMo, and to enact in lieu thereof nine new sections relating to charter schools.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 32**.

HOUSE CONCURRENT RESOLUTION NO. 32

WHEREAS, Missouri’s 57,000 state employees rank 50th out of the 50 states in their annual compensation, according to the most recent figures available from the United States Census Bureau; and

WHEREAS, with an average salary of \$38,184, the average state employee in Missouri earned 26% less than the United States average of \$51,507; and

WHEREAS, the three poorest states in the nation - West Virginia, Mississippi, and Arkansas - all rank ahead of Missouri in state employee annual compensation; and

WHEREAS, according to the United States Census Bureau, Missouri’s full-time equivalent employment dropped 1.09%, and Missouri part-time employment dropped 8.47% from 2008 to 2009; and

WHEREAS, for December 2010, the Bureau of Labor Statistics of the United States Department of Labor reported an unemployment rate of 9.5%, the 15th highest percentage in the nation; and

WHEREAS, in his State of the State Address on January 19, 2011, Governor Nixon said that he has “cut state payroll by over 3,300 positions” since he took office in January 2009 and is recommending another 863 state employee positions be eliminated this year; and

WHEREAS, Governor Nixon acknowledged that “All across state government, a leaner workforce is doing more with less.”; and

WHEREAS, if the recommended cuts are enacted in the 2012 fiscal year budget, Missouri’s full-time employee payroll will drop to approximately 56,500 positions, with the largest reductions in the departments of Mental Health and Social Services;

WHEREAS, in asking state employees to “do more with less”, it is vitally important that the State of Missouri attract and maintain a talented and dedicated workforce in order to best serve the needs of our citizens; and

WHEREAS, one of the keys to attracting and maintaining a talented and dedicated workforce will be to raise the annual compensation of our state workforce so we are no longer ranked 50th among the 50 states in state employee compensation:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, First Regular Session, the Senate concurring therein, hereby establish a Joint Interim Committee on State Employee Wages; and

BE IT FURTHER RESOLVED that the Committee shall:

(1) Compare the wages of Missouri state employees to the wages for state employees in other states;

(2) Study and develop strategies for increasing the wages of Missouri's state employees so Missouri will no longer rank 50th among states regarding state worker wages;

(3) Report its recommendations to the House Budget Committee and the Senate Appropriations Committee by December 31, 2011; and

(4) Such other matters as the Joint Interim Committee may deem necessary in order to determine the proper course of future legislative and budgetary action regarding these issues; and

BE IT FURTHER RESOLVED that the Committee shall be composed of the following ten members:

(1) Two majority party members and one minority party member of the House of Representatives, to be appointed by the Speaker of the House and Minority Leader of the House;

(2) Two majority party members and one minority party member of the Senate, to be appointed by the President Pro Tem of the Senate;

(3) One representative from the Governor's Office;

(4) One representative from the State Personnel Advisory Board; and

(5) Two members of the public, with one to be appointed by the Speaker of the House of Representatives and one to be appointed by the President Pro Tem of the Senate; and

BE IT FURTHER RESOLVED that the Joint Interim Committee is authorized to function during the legislative interim between the First Regular Session of the Ninety-sixth General Assembly through December 31, 2011; and

BE IT FURTHER RESOLVED that the Joint Interim Committee may solicit input and information necessary to fulfill its obligations, including, but not limited to, soliciting input and information from any state department or agency the Joint Interim Committee deems relevant, and the general public; and

BE IT FURTHER RESOLVED that the staffs of Senate Appropriations, Senate Research, House Appropriations, House Research, and the Joint Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the Joint Interim Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the Joint Interim Committee, its members, and any staff assigned to the Joint Interim Committee incurred by the Joint Interim Committee shall be paid by the Joint Contingent Fund.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 46**.

HOUSE CONCURRENT RESOLUTION NO. 46

WHEREAS, a three-day event, FUTURALLIA, will take place from Wednesday, May 18, 2011, to Friday, May 20, 2011, at the Kansas City Convention Center; and

WHEREAS, FUTURALLIA is a unique and globally recognized event which offers small and medium size businesses from various industry sectors and business leaders to have personalized, prescheduled, face-to-face meetings with partners of their choice; and

WHEREAS, FUTURALLIA is a springboard toward making new international partnerships, in addition to informal meetings in a professional and friendly environment; and

WHEREAS, since the first FUTURALLIA event was held in 1990, the event is designed for owners, directors, and managers of small and medium size businesses from all industry sectors wishing to develop business partnerships; and

WHEREAS, FUTURALLIA KC 2011 is the 16th edition of the event, and the first time in 20 years that the event will be held in the United States; and

WHEREAS, more than 92 delegation leaders from 38 countries will be participating, with more than 800 entrepreneurs in attendance; and

WHEREAS, as host of such a internationally recognized business event, Missouri will be a showcase for business leaders and entrepreneurs involved in foreign trade; and

WHEREAS, David Kerr, Director of the Department of Economic Development has frequently discussed the importance of international trade for the economic future of the State of Missouri; and

WHEREAS, from its early trading post beginnings, Kansas City has grown to be a metropolitan area of 2.2 million people and has maintained a reputation as a crossroads of transportation and as an international trade hub; and

WHEREAS, *Fortune* magazine ranks Kansas City as one of the 20 best cities in the United States for international business; and

WHEREAS, *Entrepreneur* magazine rates Kansas City as the No. 1 city in the Midwest in which to start and grow a business and No. 11 nationally; and

WHEREAS, Kansas City's economy is a nearly exact reflection of the United States economy, with a diversity of industries that protect its employers and workforce from dramatic peaks and valleys experienced in other markets; and

WHEREAS, FUTURALLIA KC 2011 will allow the State of Missouri to become recognized as a great place for foreign trade and international business:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, First Regular Session, the Senate concurring therein, hereby recognize Kansas City as host of FUTURALLIA KC 2011 and urge the Department of Economic Development to take every advantage of this opportunity to encourage participation and to showcase Missouri as an ideal location for foreign trade and international business; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for David Kerr, Director of the Department of Economic Development.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 161**, entitled:

An Act to repeal sections 137.010, 137.080, 263.190, 263.200, 263.205, 263.220, 263.230, 263.232, 263.240, 263.241, 263.450, 268.121, 276.416, 276.421, 276.436, 276.441, 276.446, 348.400, 348.407, 348.412, and 411.280, RSMo, and section 137.115 as enacted by senate committee substitute for senate bill no. 630, ninety-fifth general assembly, second regular session, and section 137.115 as enacted by senate substitute for senate committee substitute for house committee substitute for house bill no. 2058 merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 711 merged with conference committee substitute for house committee substitute no. 2 for senate substitute for senate committee substitute for senate bill no. 718, ninety-fourth general assembly, second regular session, and to enact in lieu thereof fifteen new sections relating to agriculture, with penalty provisions.

With House Amendment Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 161, Page 1, In the Title, Line 3, by inserting after the number "268.121," the numbers "273.327, 273.345,"; and

Further amend said bill, Page 1, In the Title, Lines 11 and 12, by deleting all of said lines and inserting in lieu thereof the following: "for senate bill no. 718, ninety-fourth general assembly, second regular session, and sections 273.327, 273.345, 273.347, and 1 as truly agreed to and finally passed by or as enacted by senate substitute for senate committee substitute for senate bills nos. 113 & 95, the ninety-sixth general assembly, first regular session, and to enact in lieu thereof nineteen new sections relating to agriculture, with penalty provisions and an emergency clause for certain sections."; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after the number "268.121," the numbers "273.327, 273.345,"; and

Further amend said bill, Page 1, Section A, Line 10, by deleting all of said line and inserting in lieu thereof the following: “assembly, second regular session, and sections 273.327, 273.345, 273.347, and 1 as truly agreed to and finally passed by or as enacted by senate substitute for senate committee substitute for senate bills nos. 113 & 95, the ninety-sixth general assembly, first regular session, are repealed and nineteen new sections enacted in lieu thereof,”; and

Further amend said bill, Page 2, Section A, Line 12, by deleting all of said line and inserting in lieu thereof the following: “268.121, 273.327, 273.345, 273.347, 276.421, 276.436, 276.441, 348.400, 348.407, 348.412, 411.280, and 1, to read as”; and

Further amend said bill, Page 15, Section 268.121, Line 11, by inserting after all of said line the following:

“273.327. No person shall operate an animal shelter, pound or dog pound, boarding kennel, commercial kennel, contract kennel, pet shop, or exhibition facility, other than a limited show or exhibit, or act as a dealer or commercial breeder, unless such person has obtained a license for such operations from the director. An applicant shall obtain a separate license for each separate physical facility subject to sections 273.325 to 273.357 which is operated by the applicant. Any person exempt from the licensing requirements of sections 273.325 to 273.357 may voluntarily apply for a license. Application for such license shall be made in the manner provided by the director. The license shall expire annually unless revoked. As provided by rules to be promulgated by the director, the license fee shall range from one hundred to **two thousand five hundred dollars** per year. **Each licensee subject to sections 273.325 to 273.357 shall pay an additional annual fee of twenty-five dollars to be used by the department of agriculture for the purpose of administering Operation Bark Alert or any successor program.** Pounds or dog pounds shall be exempt from payment of [such fee] **the fees under this section.** License fees shall be levied for each license issued or renewed on or after January 1, 1993.

273.345. 1. This section shall be known and may be cited as the “[Puppy Mill] **Canine** Cruelty Prevention Act.”

2. The purpose of this act is to prohibit the cruel and inhumane treatment of dogs [in puppy mills] **bred in large operations** by requiring large-scale dog breeding operations to provide each dog under their care with basic food and water, adequate shelter from the elements, necessary veterinary care, adequate space to turn around and stretch his or her limbs, and regular exercise.

3. Notwithstanding any other provision of law, any person having custody or ownership of more than ten female covered dogs for the purpose of breeding those animals and selling any offspring for use as a pet shall provide each covered dog:

- (1) Sufficient food and clean water;
- (2) Necessary veterinary care;
- (3) Sufficient housing, including protection from the elements;
- (4) Sufficient space to turn and stretch freely, lie down, and fully extend his or her limbs;
- (5) Regular exercise; and
- (6) Adequate rest between breeding cycles.

4. [Notwithstanding any other provision of law, no person may have custody of more than fifty covered

dogs for the purpose of breeding those animals and selling any offspring for use as a pet.

5.] For purposes of this section and notwithstanding the provisions of section 273.325, the following terms have the following meanings:

(1) “Adequate rest between breeding cycles” means, at minimum, ensuring that **female** dogs are not bred to produce more [than two] litters in any [eighteen-month] **given period than what is recommended by a licensed veterinarian as appropriate for the species, age, and health of the dog;**

(2) “Covered dog” means any individual of the species of the domestic dog, *Canis lupus familiaris*, or resultant hybrids, that is over the age of six months and has intact sexual organs;

(3) “Necessary veterinary care” means, at minimum, examination at least once yearly by a licensed veterinarian, prompt treatment of any **serious** illness or injury by a licensed veterinarian, and where needed, humane euthanasia by a licensed veterinarian using lawful techniques deemed acceptable by the American Veterinary Medical Association;

(4) “Person” means any individual, firm, partnership, joint venture, association, limited liability company, corporation, estate, trust, receiver, or syndicate;

(5) “Pet” means any [domesticated animal] **species of the domestic dog, *Canis lupus familiaris*, or resultant hybrids,** normally maintained in or near the household of the owner thereof;

(6) “Regular exercise” means [constant and unfettered access to an outdoor exercise area that is composed of a solid ground-level surface with adequate drainage, provides some protection against sun, wind, rain, and snow, and provides each dog at least twice the square footage of the indoor floor space provided to that dog] **the type and amount of exercise sufficient to comply with an exercise plan that has been approved by a licensed veterinarian, developed in accordance with regulations regarding exercise promulgated by the Missouri department of agriculture, and where such plan affords the dog maximum opportunity for outdoor exercise as weather permits;**

(7) “Retail pet store” means a person or retail establishment open to the public where dogs are bought, sold, exchanged, or offered for retail sale directly to the public to be kept as pets, but that does not engage in any breeding of dogs for the purpose of selling any offspring for use as a pet;

(8) “Sufficient food and clean water” means access to appropriate nutritious food at least [once] **twice** a day sufficient to maintain good health, and continuous access to potable water that is not frozen and is **generally** free of debris, feces, algae, and other contaminants;

(9) “Sufficient housing, including protection from the elements” means [constant and unfettered access to an indoor enclosure that has a solid floor, is not stacked or otherwise placed on top of or below another animal’s enclosure, is cleaned of waste at least once a day while the dog is outside the enclosure, and does not fall below forty-five degrees Fahrenheit, or rise above eighty-five degrees Fahrenheit] **the continuous provision of a sanitary facility, the provision of a solid surface on which to lie in a recumbent position, protection from the extremes of weather conditions, proper ventilation, and appropriate space depending on the species of animal as required by regulations of the Missouri department of agriculture and in compliance with the provisions of subsection 7 of this section. No dog shall remain inside its enclosure while the enclosure is being cleaned. Dogs housed within the same enclosure shall be compatible, in accordance with regulations promulgated by the Missouri department of agriculture;**

(10) “Sufficient space to turn and stretch freely, lie down, and fully extend his or her limbs” means having:

(a) Sufficient indoor space **or shelter from the elements** for each dog to turn in a complete circle without any impediment (including a tether);

(b) Enough indoor space **or shelter from the elements** for each dog to lie down and fully extend his or her limbs and stretch freely without touching the side of an enclosure or another dog;

(c) [At least one foot of headroom above the head of the tallest dog in the enclosure; and

(d) At least twelve square feet of indoor floor space per each dog up to twenty-five inches long, at least twenty square feet of indoor floor space per each dog between twenty-five and thirty-five inches long, and at least thirty square feet of indoor floor space per each dog for dogs thirty-five inches and longer (with the length of the dog measured from the tip of the nose to the base of the tail)] **Appropriate space depending on the species of the animal, as specified in regulations by the Missouri department of agriculture, as revised, and in compliance with the provisions of subsection 7 of this section.**

[6. A person is guilty of the crime of puppy mill cruelty when he or she knowingly violates any provision of this section. The crime of puppy mill cruelty is a class C misdemeanor, unless the defendant has previously pled guilty to or been found guilty of a violation of this section, in which case each such violation is a class A misdemeanor. Each violation of this section shall constitute a separate offense. If any violation of this section meets the definition of animal abuse in section 578.012, the defendant may be charged and penalized under that section instead.

7.] 5. Any person subject to the provisions of this section shall maintain all veterinary records and sales records for the most recent previous two years. These records shall be made available to the state veterinarian, a state or local animal welfare official, or a law enforcement agent upon request.

6. The provisions of this section are in addition to, and not in lieu of, any other state and federal laws protecting animal welfare. This section shall not be construed to limit any state law or regulation protecting the welfare of animals, nor shall anything in this section prevent a local governing body from adopting and enforcing its own animal welfare laws and regulations in addition to this section. This section shall not be construed to place any numerical limits on the number of dogs a person may own or control when such dogs are not used for breeding those animals and selling any offspring for use as a pet. This section shall not apply to a dog during examination, testing, operation, recuperation, or other individual treatment for veterinary purposes, during lawful scientific research, during transportation, during cleaning of a [dogs] **dog’s** enclosure, during supervised outdoor exercise, or during any emergency that places a [dogs] **dog’s** life in imminent danger. [This section shall not apply to any retail pet store, animal shelter as defined in section 273.325, hobby or show breeders who have custody of no more than ten female covered dogs for the purpose of breeding those dogs and selling any offspring for use as a pet, or dog trainer who does not breed and sell any dogs for use as a pet.] Nothing in this section shall be construed to limit hunting or the ability to breed, raise, [or] sell [hunting], **control, train, or possess dogs with the intention to use such dogs for hunting or other sporting purposes.**

7. Notwithstanding any law to the contrary, the following space requirements shall apply under this section:

(1) From January 1, 2012, through December 31, 2015, for any enclosure existing prior to April 15, 2011, the minimum allowable space shall:

(a) Be two times the space allowable under the department of agriculture's regulation that was in effect on April 15, 2011;

(b) Except as prescribed by rule, provide constant and unfettered access to an attached outdoor run; and

(c) Meet all other requirements set forth by rule of the Missouri department of agriculture;

(2) For any enclosure newly constructed after April 15, 2011, and for all enclosures as of January 1, 2016, the minimum allowable space shall:

(a) Be three times the space allowable under the department of agriculture's regulation that was in effect on April 15, 2011;

(b) Except as prescribed by rule, provide constant and unfettered access to an attached outdoor run; and

(c) Meet all other requirements set forth by rule of the Missouri department of agriculture;

(3) For any enclosure newly constructed after April 15, 2011, and for all enclosures as of January 1, 2016, wire strand flooring shall be prohibited and all enclosures shall meet the flooring standard set forth by rule of the Missouri department of agriculture.

8. If any provision of this section, or the application thereof to any person or circumstances, is held invalid or unconstitutional, that invalidity or unconstitutionality shall not affect other provisions or applications of this section that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this section are severable.

[9. The provisions herewith shall become operative one year after passage of this act.]

273.347. 1. Whenever the state veterinarian or a state animal welfare official finds past violations of sections 273.325 to 273.357 have occurred and have not been corrected or addressed, including operating without a valid license under section 273.327, the director may request the attorney general or the county prosecuting attorney or circuit attorney to bring an action in circuit court in the county where the violations have occurred for a temporary restraining order, preliminary injunction, permanent injunction, or a remedial order enforceable in a circuit court to correct such violations and, in addition, the court may assess a civil penalty in an amount not to exceed one thousand dollars for each violation. Each violation shall constitute a separate offense.

2. A person commits the crime of canine cruelty if such person repeatedly violates sections 273.325 to 273.357 so as to pose a substantial risk to the health and welfare of animals in such person's custody, or knowingly violates an agreed-to remedial order involving the safety and welfare of animals under this section. The crime of canine cruelty is a class C misdemeanor, unless the person has previously pled guilty or nolo contendere to or been found guilty of a violation of this subsection, in which case, each such violation is a class A misdemeanor.

3. The attorney general or the county prosecuting attorney or circuit attorney may bring an action under sections 273.325 to 273.357 in circuit court in the county where the crime has occurred for criminal punishment.

4. No action under this section shall prevent or preclude action taken under section 578.012 or under subsection 3 of section 273.329.”; and

Further amend said bill, Page 22, Section 411.280, Line 7, by inserting after all of said line the following:

“Section 1. Any person required to have a license under sections 273.325 to 273.357 who houses animals in stacked cages without an impervious barrier between the levels of such cages, except when cleaning such cages, is guilty of a class A misdemeanor.”; and

Further amend said bill, Page 24, Section 263.450, Line 8, by inserting after all of said line the following:

“[273.327. No person shall operate an animal shelter, pound or dog pound, boarding kennel, commercial kennel, contract kennel, pet shop, or exhibition facility, other than a limited show or exhibit, or act as a dealer or commercial breeder, unless such person has obtained a license for such operations from the director. An applicant shall obtain a separate license for each separate physical facility subject to sections 273.325 to 273.357 which is operated by the applicant. Any person exempt from the licensing requirements of sections 273.325 to 273.357 may voluntarily apply for a license. Application for such license shall be made in the manner provided by the director. The license shall expire annually unless revoked. As provided by rules to be promulgated by the director, the license fee shall range from one hundred to **two thousand** five hundred dollars per year. **Each licensee subject to sections 273.325 to 273.357 shall pay an additional annual fee of twenty-five dollars to be used by the department of agriculture for the purpose of administering Operation Bark Alert or any successor program.** Pounds or dog pounds shall be exempt from payment of [such fee] **the fees under this section.** License fees shall be levied for each license issued or renewed on or after January 1, 1993.]

[273.345. 1. This section shall be known and may be cited as the “[Puppy Mill] **Canine Cruelty Prevention Act.**”

2. The purpose of this act is to prohibit the cruel and inhumane treatment of dogs [in puppy mills] **bred in large operations** by requiring large-scale dog breeding operations to provide each dog under their care with basic food and water, adequate shelter from the elements, necessary veterinary care, adequate space to turn around and stretch his or her limbs, and regular exercise.

3. Notwithstanding any other provision of law, any person having custody or ownership of more than ten female covered dogs for the purpose of breeding those animals and selling any offspring for use as a pet shall provide each covered dog:

- (1) Sufficient food and clean water;
- (2) Necessary veterinary care;
- (3) Sufficient housing, including protection from the elements;
- (4) Sufficient space to turn and stretch freely, lie down, and fully extend his or her limbs;
- (5) Regular exercise; and
- (6) Adequate rest between breeding cycles.

4. [Notwithstanding any other provision of law, no person may have custody of more than fifty covered dogs for the purpose of breeding those animals and selling any offspring for use as a pet.

5.] For purposes of this section and notwithstanding the provisions of section 273.325, the following terms have the following meanings:

(1) “Adequate rest between breeding cycles” means, at minimum, ensuring that **female** dogs are not bred to produce more [than two] litters in any [eighteen-month] **given period than what is recommended by a licensed veterinarian as appropriate for the species, age, and health of the dog;**

(2) “Covered dog” means any individual of the species of the domestic dog, *Canis lupus familiaris*, or resultant hybrids, that is over the age of six months and has intact sexual organs;

(3) “Necessary veterinary care” means[, at minimum, examination at least once yearly] **at least two personal visual inspections annually by a licensed veterinarian, guidance from a licensed veterinarian on preventative care, an exercise plan that has been approved by a licensed veterinarian, normal and prudent attention to skin, coat, and nails,** prompt treatment of any illness or injury [by a licensed veterinarian], and where needed, humane euthanasia by a licensed veterinarian using lawful techniques deemed acceptable by the American Veterinary Medical Association. **If, during the course of a routine personal visual inspection, the licensed veterinarian detects signs of disease or injury, then a physical examination of any such afflicted dog shall be conducted by a licensed veterinarian;**

(4) “Person” means any individual, firm, partnership, joint venture, association, limited liability company, corporation, estate, trust, receiver, or syndicate;

(5) “Pet” means any [domesticated animal] **species of the domestic dog, *Canis lupus familiaris*, or resultant hybrids,** normally maintained in or near the household of the owner thereof;

(6) “Regular exercise” means [constant and unfettered access to an outdoor exercise area that is composed of a solid ground-level surface with adequate drainage, provides some protection against sun, wind, rain, and snow, and provides each dog at least twice the square footage of the indoor floor space provided to that dog] **the type and amount of exercise sufficient to comply with an exercise plan that has been approved by a licensed veterinarian, developed in accordance with regulations regarding exercise promulgated by the Missouri department of agriculture, and where such plan affords the dog maximum opportunity for outdoor exercise as weather permits;**

(7) “Retail pet store” means a person or retail establishment open to the public where dogs are bought, sold, exchanged, or offered for retail sale directly to the public to be kept as pets, but that does not engage in any breeding of dogs for the purpose of selling any offspring for use as a pet;

(8) “Sufficient food and clean water” means [access to appropriate nutritious food at least once a day sufficient to maintain good health, and continuous access to potable water that is not frozen and is free of debris, feces, algae, and other contaminants];

(a) The provision, at suitable intervals of not more than twelve hours, unless the dietary requirements of the species requires a longer interval, of a quantity of wholesome foodstuff, suitable for the species and age, enough to maintain a reasonable level of nutrition in each animal. All foodstuffs shall be served in a safe receptacle, dish, or container; and

(b) The provision of a supply of potable water in a safe receptacle, dish, or container. Water shall be provided continuously or at intervals suitable to the species, with no interval to exceed eight hours;

(9) “Sufficient housing, including protection from the elements” means [constant and unfettered access to an indoor enclosure that has a solid floor, is not stacked or otherwise placed on top of or below another animal’s enclosure, is cleaned of waste at least once a day while the dog is outside the enclosure, and does not fall below forty-five degrees Fahrenheit, or rise above eighty-five degrees Fahrenheit] **the continuous provision of a sanitary facility, the provision of a solid surface on which to lie in a recumbent position, protection from the extremes of weather conditions, proper ventilation, and appropriate space depending on the species of animal as required by regulations of the Missouri department of agriculture. No dog shall remain inside its enclosure while the enclosure is being cleaned. Dogs housed within the same enclosure shall be compatible, in accordance with regulations promulgated by the Missouri department of agriculture;**

(10) “Sufficient space to turn and stretch freely, lie down, and fully extend his or her limbs” means [having:

(a) Sufficient indoor space for each dog to turn in a complete circle without any impediment (including a tether);

(b) Enough indoor space for each dog to lie down and fully extend his or her limbs and stretch freely without touching the side of an enclosure or another dog;

(c) At least one foot of headroom above the head of the tallest dog in the enclosure; and

(d) At least twelve square feet of indoor floor space per each dog up to twenty-five inches long, at least twenty square feet of indoor floor space per each dog between twenty-five and thirty-five inches long, and at least thirty square feet of indoor floor space per each dog for dogs thirty-five inches and longer (with the length of the dog measured from the tip of the nose to the base of the tail)] **appropriate space depending on the species of the animal, as specified in regulations by the Missouri department of agriculture, as revised.**

[6. A person is guilty of the crime of puppy mill cruelty when he or she knowingly violates any provision of this section. The crime of puppy mill cruelty is a class C misdemeanor, unless the defendant has previously pled guilty to or been found guilty of a violation of this section, in which case each such violation is a class A misdemeanor. Each violation of this section shall constitute a separate offense. If any violation of this section meets the definition of animal abuse in section 578.012, the defendant may be charged and penalized under that section instead.

7.] 5. Any person subject to the provisions of this section shall maintain all veterinary records and sales records for the most recent previous two years. These records shall be made available to the state veterinarian, a state or local animal welfare official, or a law enforcement agent upon request.

6. The provisions of this section are in addition to, and not in lieu of, any other state and federal laws protecting animal welfare. This section shall not be construed to limit any state law or regulation protecting the welfare of animals, nor shall anything in this section prevent a local governing body from adopting and enforcing its own animal welfare laws and regulations in

addition to this section. This section shall not be construed to place any numerical limits on the number of dogs a person may own or control when such dogs are not used for breeding those animals and selling any offspring for use as a pet. This section shall not apply to a dog during examination, testing, operation, recuperation, or other individual treatment for veterinary purposes, during lawful scientific research, during transportation, during cleaning of a [dogs] **dog's** enclosure, during supervised outdoor exercise, or during any emergency that places a [dogs] **dog's** life in imminent danger. [This section shall not apply to any retail pet store, animal shelter as defined in section 273.325, hobby or show breeders who have custody of no more than ten female covered dogs for the purpose of breeding those dogs and selling any offspring for use as a pet, or dog trainer who does not breed and sell any dogs for use as a pet.] Nothing in this section shall be construed to limit hunting or the ability to breed, raise, [or] sell [hunting], **control, train, or possess dogs with the intention to use such dogs for hunting or other sporting purposes.**

[8.] **7.** If any provision of this section, or the application thereof to any person or circumstances, is held invalid or unconstitutional, that invalidity or unconstitutionality shall not affect other provisions or applications of this section that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this section are severable.

[9.] **8.** The provisions herewith shall become operative one year after passage of this act.]

[273.347. 1. Whenever the state veterinarian or a state animal welfare official finds past violations of sections 273.325 to 273.357 have occurred and have not been corrected or addressed, including operating without a valid license under section 273.327, the director may request the attorney general or the county prosecuting attorney or circuit attorney to bring an action in circuit court in the county where the violations have occurred for a temporary restraining order, preliminary injunction, permanent injunction, or a remedial order enforceable in a circuit court to correct such violations and, in addition, the court may assess a civil penalty in an amount not to exceed one thousand dollars for each violation. Each violation shall constitute a separate offense.

2. A person commits the crime of canine cruelty if such person repeatedly violates sections 273.325 to 273.357 so as to pose a substantial risk to the health and welfare of animals in such person's custody, or knowingly violates an agreed-to remedial order involving the safety and welfare of animals under this section. The crime of canine cruelty is a class C misdemeanor, unless the person has previously pled guilty or nolo contendere to or been found guilty of a violation of this subsection, in which case, each such violation is a class A misdemeanor.

3. The attorney general or the county prosecuting attorney or circuit attorney may bring an action under sections 273.325 to 273.357 in circuit court in the county where the crime has occurred for criminal punishment.

4. No action under this section shall prevent or preclude action taken under section 578.012 or under subsection 3 of section 273.329.]"; and

Further amend said bill, Page 24, Section 276.446, Line 8, by inserting after all of said line the following:

“[Section 1. Any person required to have a license under sections 273.325 to 273.357 who houses animals in stacked cages without an impervious barrier between the levels of such cages, except when cleaning such cages, is guilty of a class A misdemeanor.]

Section B. In order to improve the immediate health and welfare of dogs in this state and to provide sufficient time for businesses to comply with changes in the law, the repeal and reenactment of sections 273.327 and 273.345, the enactment of sections 273.347 and 1, and the repeal of sections 273.327, 273.345, 273.347, and 1 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 273.327 and 273.345, the enactment of sections 273.347 and 1, and the repeal of sections 273.327, 273.345, 273.347, and 1 of section A of this act shall be in full force and effect upon its passage and approval.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 161, Page 2, Section 137.010, Lines 1-33, by deleting all of said section and lines; and

Further amend said bill, Page 3, Section 137.080, Lines 1-16, by deleting all of said section and lines; and

Further amend said bill, Pages 3-8, Section 137.115, Lines 1-172, by deleting all of said section and lines; and

Further amend said bill, Pages 8-12, Section 137.115, Lines 1-197, by deleting all of said section and lines; and

Further amend said bill, Pages 12-13, Section 263.190, Lines 1-40, by deleting all of said section and lines; and

Further amend said bill, Page 14, Section 263.200, Lines 1-27, by deleting all of said section and lines; and

Further amend said bill and page, Section 263.220, Lines 1-2, by deleting all of said section and lines; and

Further amend said bill and page, Section 263.240, Lines 1-3, by deleting all of said section and lines; and

Further amend said bill, Pages 14-15, Section 268.121, Lines 1-11, by deleting all of said section and lines; and

Further amend said bill, Pages 15-17, Section 276.421, Lines 1-74, by deleting all of said section and lines; and

Further amend said bill, Pages 17-18, Section 276.436, Lines 1-57, by deleting all of said section and lines; and

Further amend said bill, Pages 18-19, Section 276.441, Lines 1-12, by deleting all of said section and lines; and

Further amend said bill, Page 22, Section 411.280, Lines 1-7, by deleting all of said section and lines;

and

Further amend said bill, Pages 22-23, Section 263.205, Lines 1-26, by deleting all of said section and lines; and

Further amend said bill, Page 23, Section 263.230, Lines 1-9, by deleting all of said section and lines; and

Further amend said bill, Pages 23-24, Section 263.232, Lines 1-20, by deleting all of said section and lines; and

Further amend said bill, Page 24, Section 263.241, Lines 1-7 by deleting all of said section and lines; and

Further amend said bill and page, Section 263.450, Lines 1-7 by deleting all of said section and lines; and

Further amend said bill and page, Section 276.416, Lines 1-10 by deleting all of said section and lines; and

Further amend said bill and page, Section 276.446, Lines 1-8 by deleting all of said section and lines; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Munzlinger moved that **SB 161**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 161**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 161

An Act to repeal sections 137.010, 137.080, 263.190, 263.200, 263.205, 263.220, 263.230, 263.232, 263.240, 263.241, 263.450, 268.121, 276.416, 276.421, 276.436, 276.441, 276.446, 348.400, 348.407, 348.412, and 411.280, RSMo, and section 137.115 as enacted by senate committee substitute for senate bill no. 630, ninety-fifth general assembly, second regular session, and section 137.115 as enacted by senate substitute for senate committee substitute for house committee substitute for house bill no. 2058 merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 711 merged with conference committee substitute for house committee substitute no. 2 for senate substitute for senate committee substitute for senate bill no. 718, ninety-fourth general assembly, second regular session, and to enact in lieu thereof fifteen new sections relating to agriculture, with penalty provisions.

Was taken up.

Senator Munzlinger moved that **HCS** for **SB 161**, as amended, be adopted, which motion prevailed by

the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Curls	Dixon	Engler	Goodman
Green	Justus	Keaveny	Kehoe	Lager	Lamping	Mayer	Munzlinger
Parson	Pearce	Richard	Rupp	Schaaf	Schaefer	Stouffer	Wasson

Wright-Jones—25

NAYS—Senators

Cunningham	Dempsey	Kraus	Lembke	McKenna	Ridgeway	Schmitt—7
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Absent—Senators

Nieves	Purgason—2
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Absent with leave—Senators—None

Vacancies—None

On motion of Senator Munzlinger, **HCS** for **SB 161**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Crowell	Curls	Dixon	Engler	Goodman	Justus
Kehoe	Lager	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Rupp	Schaaf	Schaefer	Stouffer	Wasson—23	

NAYS—Senators

Chappelle-Nadal	Cunningham	Dempsey	Green	Keaveny	Kraus	Lamping	Lembke
Ridgeway	Schmitt	Wright-Jones—11					

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

At the request of Senator Munzlinger, **HCS** for **SB 161**, as amended, was placed on the Informal Calendar.

HOUSE BILLS ON THIRD READING

Senator Pearce moved that **HB 137**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Crowell, the above amendment was withdrawn.

Senator Green offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 137, Page 7, Section 37.005, Line 27, by striking all of the underlined words and opening bracket on said line and inserting in lieu thereof an opening bracket “[” immediately after the first occurrence of the word “University”; and further amend line 28 by striking the closing bracket “]” on said line; and further amend said bill and section, page 8, line 4, by inserting a closing bracket “]” immediately after the word “University”.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Pearce moved that **SS** for **SCS** for **HB 137**, as amended, be adopted, which motion prevailed.

Senator Pearce moved that **SS** for **SCS** for **HB 137**, as amended, be read the 3rd time and passed and was recognized to close.

President Pro Tem Mayer referred **SS** for **SCS** for **HB 137**, as amended, to the Committee on Ways and Means and Fiscal Oversight.

HB 423, introduced by Representative Burlison, et al, entitled:

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the health care compact.

Was called from the Informal Calendar and taken up by Senator Nieves.

On motion of Senator Nieves, **HB 423** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson—31	

NAYS—Senators

Keaveny	McKenna	Wright-Jones—3
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Nieves, title to the bill was agreed to.

Senator Nieves moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Munzlinger moved that the vote by which **HCS** for **SB 161**, as amended, was read the 3rd time and finally passed be reconsidered, which motion prevailed by the

following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

At the request of Senator Munzlinger the motion for 3rd reading and final passage was withdrawn.

Having voted on the prevailing side, Senator Munzlinger moved that the vote by which **HCS** for **SB 161**, as amended, was adopted be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

HCS for **SB 161**, as amended, was again taken up.

Senator Munzlinger moved that **HCS** for **SB 161**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Crowell	Curls	Dixon	Engler	Goodman	Justus
Keaveny	Kehoe	Lager	Mayer	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Stouffer	Wasson—24

NAYS—Senators

Chappelle-Nadal	Cunningham	Dempsey	Green	Kraus	Lamping	Lembke	McKenna
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Schmitt Wright-Jones—10

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Munzlinger, **HCS for SB 161**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Crowell	Curls	Dixon	Engler	Goodman	Justus
Keaveny	Kehoe	Lager	Mayer	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Stouffer	Wasson—24

NAYS—Senators

Chappelle-Nadal	Cunningham	Dempsey	Green	Kraus	Lamping	Lembke	McKenna
Schmitt	Wright-Jones—10						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Stouffer	Wasson	Wright-Jones—32

NAYS—Senator Schmitt—1

Absent—Senator Schaefer—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Munzlinger, title to the bill was agreed to.

Senator Munzlinger moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

President Pro Tem Mayer assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCS** for **SB 161**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HCS** for **SB 161**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

REPORTS OF STANDING COMMITTEES

Senator Ridgeway, Chairman of the Committee on Health, Mental Health, Seniors and Families, submitted the following reports:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **HCS** for **HB 197**, begs leave to report that it has considered the same and recommends that the bill do pass with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 197, Page 2, Section 191.758, Lines 6-7, by striking said lines and inserting in lieu thereof the following: **“banking.”**

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **HCS** for **HB 143**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Purgason, Chairman of the Committee on Ways and Means and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Ways and Means and Fiscal Oversight, to which was referred **HJR 29**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Crowell, Chairman of the Committee on Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs, submitted the following reports:

Mr. President: Your Committee on Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs, to which was referred **HB 282**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **HB 499**, begs leave to report

that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HCS** for **HB 70**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Goodman, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 199**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 256**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 260**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 214**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 641**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **HCS No. 2** for **HB 609**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Cunningham, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **HCS** for **HBs 294, 123, 125, 113, 271 and 215**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HCS** for **HB 315**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HB 361**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HB 648**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HJR 6**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Schmitt, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HCS** for **HB 336**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 340**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HCS** for **HB 545**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Munzlinger, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HB 190**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HCS** for **HB 250**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HB 101**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Stouffer assumed the Chair.

REFERRALS

President Pro Tem Mayer re-referred **SJR 17** to the Committee on the Judiciary and Civil and Criminal Jurisprudence.

BILLS DELIVERED TO THE GOVERNOR

HCS for SB 161, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 926, regarding Ruth Basler, Perryville, which was adopted.

Senator Crowell offered Senate Resolution No. 927, regarding Randy Richardet, Perryville, which was adopted.

Senator Schaaf offered Senate Resolution No. 928, regarding the One Hundred Twenty-fifth Anniversary of DeKalb Christian Church, which was adopted.

Senator Schaaf offered Senate Resolution No. 929, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Walter Ray Stubbs, Edgerton, which was adopted.

Senator Schaaf offered Senate Resolution No. 930, regarding Valerie Ann Pierce, St. Joseph, which was adopted.

Senator Parson offered Senate Resolution No. 931, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. David Kempker, Clinton, which was adopted.

Senator Parson offered Senate Resolution No. 932, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Edwin James Logan, Windsor, which was adopted.

Senator Stouffer offered Senate Resolution No. 933, regarding the One Hundred Third Birthday of Helen Staub, Marshall, which was adopted.

Senator Kehoe offered Senate Resolution No. 934, regarding Heather Triplett Biehl, which was adopted.

Senator Kehoe offered Senate Resolution No. 935, regarding Pete Adkins, which was adopted.

Senator Richard offered Senate Resolution No. 936, regarding Allura Jones, Neosho, which was adopted.

Senators Justus and Pearce offered Senate Resolution No. 937, regarding Mary Ann Vering, Kansas City, which was adopted.

Senator Pearce offered Senate Resolution No. 938, regarding Dr. Margret Anderson, Knob Noster, which was adopted.

Senator Pearce offered Senate Resolution No. 939, regarding Solana Sperry, Centerview, which was adopted.

Senator Pearce offered Senate Resolution No. 940, regarding Gabriele Sperry, Centerview, which was adopted.

On motion of Senator Dempsey, the Senate recessed until 6:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Pearce.

HOUSE BILLS ON THIRD READING

HCS for HBs 116 and 316, with SCS, entitled:

An Act to repeal sections 32.028, 32.087, 105.716, 144.083, and 168.071, RSMo, and to enact in lieu thereof sixteen new sections relating to collection of state money, with a penalty provision and an emergency clause for a certain section.

Was called from the Informal Calendar and taken up by Senator Purgason.

SCS for HCS for HBs 116 and 316, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 116 and 316**

An Act to repeal sections 32.028, 32.087, 32.105, 32.110, 32.115, 32.117, 32.120, 99.1205, 100.286, 100.297, 105.716, 135.010, 135.025, 135.030, 135.090, 135.313, 135.326, 135.327, 135.352, 135.460, 135.481, 135.484, 135.487, 135.490, 135.535, 135.550, 135.562, 135.575, 135.600, 135.630, 135.647, 135.679, 135.700, 135.802, 135.815, 135.825, 135.1150, 137.1018, 143.119, 144.030, 144.083, 168.071, 208.770, 253.545, 253.550, 253.557, 253.559, 348.430, 348.432, 348.434, 348.500, 348.505, 447.708, 620.495, and 660.055, RSMo, and to enact in lieu thereof sixty-three new sections relating to collection of state money, with a penalty provision and an emergency clause.

Was taken up.

Senator Purgason moved that **SCS for HCS for HBs 116 and 316** be adopted.

Senator Purgason offered **SS for SCS for HCS for HBs 116 and 316**, entitled:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 116 and 316**

An Act to repeal sections 32.028, 32.087, 32.105, 32.110, 32.115, 32.117, 32.120, 99.1205, 100.286, 100.297, 105.716, 135.010, 135.025, 135.030, 135.090, 135.313, 135.326, 135.327, 135.352, 135.460, 135.481, 135.484, 135.487, 135.490, 135.535, 135.550, 135.562, 135.575, 135.600, 135.630, 135.647, 135.679, 135.700, 135.802, 135.815, 135.825, 135.1150, 136.055, 137.1018, 143.119, 144.030, 144.062, 144.083, 168.071, 178.760, 178.761, 178.762, 178.763, 178.764, 178.892, 178.893, 178.894, 178.895, 178.896, 208.770, 253.545, 253.550, 253.557, 253.559, 348.430, 348.432, 348.434, 348.500, 348.505, 447.708, 620.470, 620.472, 620.474, 620.475, 620.476, 620.478, 620.479, 620.480, 620.481, 620.482, 620.495, and 660.055, RSMo, and to enact in lieu thereof eighty-nine new sections relating to collection of state money, with a penalty provision and an emergency clause.

Senator Purgason moved that **SS for SCS for HCS for HBs 116 and 316** be adopted.

Senator Purgason offered **SA 1:**

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 116 and 316, Page 294, Section 620.2015, Line 12 of said page, by striking “subdivision (5) of

subsection 3” and inserting in lieu thereof the following: “**subsection 7**”; and further amend line 13 of said page, by striking “620.2010” and inserting in lieu thereof the following: “**620.2020**”.

Senator Purgason moved that the above amendment be adopted, which motion prevailed.

Senator Richard offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 116 and 316, Page 203, Section 168.071, Line 4, by inserting after all of said line the following:

“196.1109. All moneys that are appropriated by the general assembly from the life sciences research trust fund shall be appropriated to the life sciences research board to increase the capacity for quality of life sciences research at public and private not-for-profit institutions in the state of Missouri and to thereby:

(1) Improve the quantity and quality of life sciences research at public and private not-for-profit institutions, including but not limited to basic research (including the discovery of new knowledge), translational research (including translating knowledge into a usable form), and clinical research (including the literal application of a therapy or intervention to determine its efficacy), including but not limited to health research in human development and aging, cancer, endocrine, cardiovascular, neurological, pulmonary, and infectious disease, and plant sciences, including but not limited to nutrition and food safety; and

(2) Enhance technology transfer and technology commercialization derived from research at public and private not-for-profit institutions within the centers for excellence. For purposes of sections 196.1100 to 196.1130, “technology transfer and technology commercialization” includes stages of the regular business cycle occurring after research and development of a life science technology, including but not limited to reduction to practice, proof of concept, and achieving federal Food and Drug Administration, United States Department of Agriculture, or other regulatory requirements in addition to the definition in section 348.251. Funds received by the board may be used for purposes authorized in sections 196.1100 to 196.1130 and shall be subject to the restrictions of sections 196.1100 to 196.1130, including but not limited to the costs of personnel, supplies, equipment, and renovation or construction of physical facilities; provided that in any single fiscal year no more than [ten] **thirty** percent of the moneys appropriated shall be used for the construction of physical facilities and further provided that in any fiscal year **up to** eighty percent of the moneys shall be appropriated to build research capacity at public and private not-for-profit institutions and **at least** twenty percent **and no more than fifty percent** of the moneys shall be appropriated for grants to public or private not-for-profit institutions to promote life science technology transfer and technology commercialization. Of the moneys appropriated to build research capacity, twenty percent of the moneys shall be appropriated to promote the development of research of tobacco-related illnesses.

196.1115. 1. The moneys appropriated to the life sciences research board that are not distributed by the board in any fiscal year to a center for excellence or a center for excellence endorsed program pursuant to section 196.1112, if any, shall be held in reserve by the board or shall be awarded on the basis of peer review panel recommendations for capacity building initiatives proposed by public and private not-for-profit academic, research, or health care institutions or organizations, or individuals engaged in competitive research in targeted fields consistent with the provisions of sections 196.1100 to 196.1130.

2. The life sciences research board may, in view of the limitations expressed in section 196.1130:

- (1) Award and enter into grants or contracts relating to increasing Missouri's research capacity at public or private not-for-profit institutions;
- (2) Make provision for peer review panels to recommend and review research projects;
- (3) Contract for [administrative and] support services;
- (4) Lease or acquire facilities and equipment;
- (5) Employ administrative staff; and
- (6) Receive, retain, hold, invest, disburse or administer any moneys that it receives from appropriations or from any other source.

3. The Missouri technology corporation, established under section 348.251, shall serve as the administrative agent for the life sciences research board.

4. The life sciences research board shall utilize as much of the moneys as reasonably possible for building capacity at public and private not-for-profit institutions to do research rather than for administrative expenses. The board shall not in any fiscal year expend more than two percent of the total moneys appropriated to it and of the moneys that it has in reserve or has received from other sources for its own administrative expenses for appropriations over twenty million dollars; three percent for appropriations less than twenty million dollars but more than fifteen million dollars; four percent for appropriations less than fifteen million dollars but more than ten million dollars; five percent for appropriations less than ten million dollars; provided, however, that the general assembly by appropriation from the life sciences research trust fund may authorize a limited amount of additional moneys to be expended for administrative costs.”; and

Further amend said bill, Page 216, Section 253.559, Line 27, by inserting after all of said line the following:

“348.250. Sections 348.250 to 348.275 shall be known and may be cited as the “Missouri Science and Innovation Reinvestment Act”.

348.251. 1. As used in sections 348.251 to 348.266, the following terms mean:

- (1) **“Applicable percentage”, six percent for the fiscal year beginning July 1, 2012, and the next fourteen consecutive fiscal years; five percent for the immediately subsequent five fiscal years; and four percent for the immediately subsequent five fiscal years;**
- (2) **“Applied research”, any activity that seeks to utilize, synthesize, or apply existing knowledge, information, or resources to the resolution of a specific problem, question, or issue of science and innovation, including but not limited to translational research;**
- (3) **“Base year”, fiscal year ending June 30, 2011;**
- (4) **“Base year gross wages”, gross wages paid by science and innovation companies to science and innovation employees during fiscal year ending June 30, 2011;**
- (5) **“Basic research”, any original investigation for the advancement of scientific or technical knowledge of science and innovation;**
- (6) **“Commercialization”, any of the full spectrum of activities required for a new technology, product, or process to be developed from the basic research or conceptual stage through applied**

research or development to the marketplace, including without limitation, the steps leading up to and including licensing, sales, and service;

(7) “Corporation”, the Missouri technology corporation established under this section;

(8) “Fields of applicable expertise”, any of the following fields: science and innovation research, development, or commercialization, including basic research and applied research; corporate finance, venture capital, and private equity related to science and innovation; the business and management of science and innovation companies; education related to science and innovation; or civic or corporate leadership in areas related to science and innovation;

(9) “Inherent conflict of interest”, a fundamental or systematic conflict of interest that prevents a person from serving as a disinterested director of the corporation and from routinely performing his or her duties as a director of the corporation;

(10) “NAICS industry groups” or “NAICS codes”, the North American Industry Classification System developed under the auspices of the United States Office of Management and Budget and adopted in 1997, as may be amended, revised, or replaced by similar classification systems for similar uses from time to time;

(11) “Science and innovation”, the use of compositions and methods in research, development, and manufacturing processes for such diverse areas as agriculture-biotechnology, animal health, biochemistry, bioinformatics, energy, environment, forestry, homeland security, information technology, medical devices, medical diagnostics, medical instruments, medical therapeutics, microbiology, nanotechnology, pharmaceuticals, plant biology, and veterinary medicine, including future developments in such areas;

(12) “Science and innovation company”, a corporation, limited liability company, S corporation, partnership, registered limited liability partnership, foundation, association, nonprofit entity, sole proprietorship, business trust, person, group, or other entity that is:

(a) Engaged in the research, development, commercialization, or business of science and innovation in the state, including, without limitation, research, development, or production directed toward developing or providing science and innovation products, processes, or services for specific commercial or public purposes, including hospitals, nonprofit research institutions, incubators, accelerators, and universities currently located or involved in the research, development, commercialization, or business of science and innovation in the state; or

(b) Identified by the following NAICS industry groups or NAICS codes or any amended or successor code sections covering such areas of research, development, and commercial endeavors: 3251; 3253; 3254; 3391; 51121; 54138; 54171; 62231; 111191; 111421; 111920; 111998; 311119; 311211; 311221; 311222; 311223; 325193; 325199; 325221; 325222; 325611; 325612; 325613; 325311; 325312; 325314; 325320; 325411; 325412; 325414; 333298; 334510; 334516; 334517; 339111; 339112; 339113; 339114; 339115; 339116; 424910; 541710; 621511; and 621512.

Each of the above listed four-digit and five-digit codes shall include all six-digit codes in such four-digit and five-digit industry; however, each six-digit code shall stand alone and not indicate the inclusion of other omitted six-digit codes that also are subsets of the pertinent four-digit or five-digit industry to which the included six-digit code belongs;

(13) “Science and innovation employee”, any employee, officer, or director of a science and innovation company who is a state income taxpayer and any employee of a university who is associated with or supports the research, development, commercialization, or business of science and technology in the state and is obligated to pay state income tax to the state;

(14) “Technology application”, the introduction and adaptation of refined management practices in fields such as scheduling, inventory management, marketing, product development, and training in order to improve the quality, productivity and profitability of an existing firm. Technology application shall be considered a component of business modernization;

[(2)] “Technology commercialization”, the process of moving investment-grade technology from a business, university or laboratory into the marketplace for application;

[(3)] (15) “Technology development”, strategically focused research directed at developing investment-grade technologies which are important for market competitiveness.

2. The governor may, on behalf of the state and in accordance with chapter 355, RSMo, establish a private not-for-profit corporation named the “Missouri Technology Corporation”, to carry out the provisions of sections 348.251 to 348.266. As used in sections [348.251 to 348.266] **348.250 to 348.275** the word “corporation” means the Missouri technology corporation authorized by this section. Before certification by the governor, the corporation shall conduct a public hearing for the purpose of giving all interested parties an opportunity to review and comment [upon] **on** the articles of incorporation, bylaws and [method] **methods** of operation of the corporation. Notice of the hearing shall be given at least fourteen days prior to the hearing.

348.256. 1. The articles of incorporation [and], bylaws, **and methods of operation** of the Missouri technology corporation shall [provide that:] **be consistent with the provisions of sections 348.250 to 348.275.**

[(1)] 2. The purposes of the corporation are to contribute to the strengthening of the economy of the state through the development of science and [technology] **innovation**, to promote the modernization of Missouri businesses by supporting the transfer of science, technology and quality improvement methods to the workplace[, and]; to enhance the productivity and modernization of Missouri businesses by providing leadership in the establishment of methods of technology application, technology commercialization and technology development; **to make Missouri businesses, institutions, and universities more competitive and increase their likelihood of success; to support and enhance local and regional strategies and initiatives that capitalize on the unique science and innovation assets across the state; to make Missouri a highly desirable state in which to conduct, facilitate, support, fund, and perform science and innovation research, development, and commercialization; to facilitate and effect the creation, attraction, retention, growth, and enhancement of both existing and new science and innovation companies in the state; to make Missouri a national and international leader in economic activity based on science and innovation; to enhance workforce development; to create and retain quality jobs; to advance scientific knowledge; and to improve the quality of life for the citizens of the state of Missouri in both urban and rural communities.**

[(2)] 3. The board of directors of the corporation [is] **shall be** composed of fifteen persons. The governor shall annually appoint one of its members, who must be from the private sector, as [chairman] **chairperson**. The board shall consist of the following members:

[(a)] (1) The director of the department of economic development, or the director's designee;

[(b)] (2) The president of the University of Missouri system, or the president's designee;

[(c)] (3) A member of the state senate, appointed by the president pro tem of the senate;

[(d)] (4) A member of the house of representatives, appointed by the speaker of the house;

[(e)] (5) Eleven members appointed by the governor, [two of which shall be from the public sector and nine members from the private sector who shall include, but shall not be limited to, individuals who represent technology-based businesses and industrial interests;

[(f)] **with the advice and consent of the senate, who are recognized for outstanding knowledge, leadership, and expertise in one or more of the fields of applicable expertise.**

Each of the directors of the corporation who is appointed by the governor shall serve for a term of four years and until a successor is duly appointed[; except that, of the directors serving on the corporation as of August 28, 1995, three directors shall be designated by the governor to serve a term of four years, three directors shall be designated to serve a term of three years, three directors shall be designated to serve a term of two years, and two directors shall be designated to serve a term of one year. Each director shall continue to serve until a successor is duly appointed by the governor;

(3) The corporation may receive money from any source, may borrow money, may enter into contracts, and may expend money for any activities appropriate to its purpose;

(4) The corporation may appoint staff and do all other things necessary or incidental to carrying out the functions listed in section 348.261;

(5)].

4. Any changes in the articles of incorporation or bylaws must be approved by the governor[;].

[(6) The corporation shall submit an annual report to the governor and to the Missouri general assembly. The report shall be due on the first day of November for each year and shall include detailed information on the structure, operation and financial status of the corporation. The corporation shall conduct an annual public hearing to receive comments from interested parties regarding the report, and notice of the hearing shall be given at least fourteen days prior to the hearing; and

[(7)] **5. At the discretion of the state auditor,** the corporation is subject to an [annual] audit [by the state auditor] and [that] the corporation shall bear the full cost of the audit.

6. Each of the directors of the corporation provided for in subdivisions (1) and (2) of subsection 3 of this section shall remain a director until the designating individual specified in such subdivisions designates a replacement by sending a written communication to the governor and the chairperson of the board of the corporation; provided however, that if the director of economic development or the president of the University of Missouri system designates himself or herself to the corporation board, such person's service as a corporation director shall cease immediately when that person no longer serves as the director of economic development or as the president of the University of Missouri system. Each of the directors of the corporation provided for in subdivisions (3) and (4) of subsection 3 of this section shall remain a director until the appointing member of the general assembly specific in such subdivisions appoints a replacement by sending a written communication to the governor and the chairperson of the corporation board; provided however, that if the speaker

of the house or the president pro tem of the senate appoints himself or herself to the corporation board, such person's service as a corporation director shall cease immediately when that person no longer serves as the speaker of the house or the president pro tem of the senate.

7. Each of the eleven members of the board appointed by the governor shall:

(1) Hold office for the term of appointment and until the governor duly appoints his or her successor; provided that if a vacancy is created by the death, permanent disability, resignation, or removal of a director, such vacancy shall become immediately effective;

(2) Be eligible for reappointment, but members of the board shall not be eligible to serve more than two consecutive four-year terms and shall not be reappointed to the board until they have not served on the board for a period of at least four interim years;

(3) Not have a known inherent conflict of interest at the time of appointment; and

(4) Not have served in an elected office or a cabinet position in state government for a period of two years prior to appointment, unless otherwise provided in this section.

8. Any member of the board may be removed by affirmative vote of eleven members of the board for malfeasance or misfeasance in office, regularly failing to attend meetings, failure to comply with the corporation's conflicts of interest policy, conviction of a felony, or for any cause that renders the member incapable of or unfit to discharge the duties of a director of the corporation.

9. The board shall meet at least four times per year and at such other times as it deems appropriate, or upon call by the president or the chairperson, or upon written request of a majority of the directors of the board. Unless otherwise restricted by Missouri law, the directors may participate in a meeting of the board by means of telephone conference or other electronic communications equipment whereby all persons participating in the meeting can communicate clearly with each other, and participation in a meeting in such manner will constitute presence in person at such meeting.

10. A majority of the total voting membership of the board shall constitute a quorum for meetings. The board may act by a majority of those at any meeting where a quorum is present, except upon such issues as the board may determine shall require a vote of more members of the board for approval or as required by law. All resolutions and orders of the board shall be recorded and authenticated by the signature of the secretary or any assistant secretary of the board.

11. Members of the board shall serve without compensation. Members of the board attending meetings of the board, or attending committee or advisory meetings thereof, shall be paid mileage and all other applicable expenses, provided that such expenses are reasonable, consistent with policies established from time to time by the board, and not otherwise inconsistent with law.

12. The board may adopt, repeal, and amend such articles of incorporation, bylaws, and methods of operation that are not contrary to law or inconsistent with sections 348.250 to 348.275, as it deems expedient for its own governance and for the governance and management of the corporation and its committees and advisory boards; provided that any changes in the articles of incorporation or bylaws approved by the board must also be approved by the governor.

13. A president shall direct and supervise the administrative affairs and the general management of the corporation. The president shall be a person of national prominence that has expertise and

credibility in one or more of the fields of applicable expertise with a demonstrated track record of success in leading a mission-driven organization. The president's salary and other terms and conditions of employment shall be set by the board. The board may negotiate and enter into an employment agreement with the president of the corporation, which may provide for compensation, allowances, benefits, and expenses. The president of the corporation shall not be eligible to serve as a member of the board until two years after the end of his or her employment with the corporation. The president of the corporation shall be bound by, and agree to obey, the corporation's conflicts of interest policy, including annually completing and submitting to the board a disclosure and compliance certificate in accordance with such conflicts of interest policy.

14. The corporation may employ such employees as it may require and upon such terms and conditions as it may establish that are consistent with state and federal law. The corporation may establish personnel, payroll, benefit, and other such systems as authorized by the board, and provide death and disability benefits. Corporation employees, including the president, shall be considered state employees for the purposes of membership in the Missouri state employees' retirement system and the Missouri consolidated health care plan. Compensation paid by the corporation shall constitute pay from a department for purposes of accruing benefits under the Missouri state employees' retirement system. The corporation may also adopt, in accordance with requirements of the federal Internal Revenue Code of 1986, as amended, a defined contribution plan sponsored by the corporation with respect to employees, including the president, employed by the corporation. Nothing in sections 348.250 to 348.275 shall be construed as placing any officer or employee of the corporation or member of the board in the classified or the unclassified service of the state of Missouri under Missouri laws and regulations governing civil service. No employee of the corporation shall be eligible to serve as a member of the board until two years immediately following the end of his or her employment with the corporation. All employees of the corporation shall be bound by, and agree to obey, the corporation's conflicts of interest policy, including annually completing and submitting to the board a disclosure and compliance certificate in accordance with such conflicts of interest policy.

15. No later than the first day of January each year, the corporation shall submit an annual report to the governor and to the Missouri general assembly which the corporation may contract with a third party to prepare and which shall include:

- (1) A complete and detailed description of the operating and financial conditions of the corporation during the prior fiscal year;
- (2) Complete and detailed information about the distributions from the Missouri science and innovation reinvestment fund and from any income of the corporation;
- (3) Information about the growth of science and innovation research and industry in the state; and
- (4) Information regarding financial or performance audits performed in such year, including any recommendations with reference to additional legislation or other action that may be necessary to carry out the purposes of the corporation.

16. The corporation shall keep its books and records in accordance with generally accepted accounting procedures. Within four months following the end of each fiscal year, the corporation shall cause a firm of independent certified public accountants of national repute to conduct and deliver to the board an audit of the financial statements of the corporation and an opinion thereon, to be

conducted in accordance with generally accepted audit standards, provided, however, that this section shall be inapplicable if the board of directors of the corporation determines that insufficient funds have been appropriated to pay for the costs of compliance with these requirements.

17. Within four months following the end of every odd numbered fiscal year, beginning with fiscal year 2016, the corporation shall cause an independent firm of national repute that has expertise in science and innovation research and industry to conduct and deliver to the board an evaluation of the performance of the corporation for the prior two fiscal years, including detailed recommendations for improving the performance of the corporation, provided, however, that this section shall be inapplicable if the board of directors of the corporation determines that insufficient funds have been appropriated to pay for the costs of compliance with these requirements.

18. The corporation shall provide the state auditor a copy of the financial and performance evaluations prepared under subsections 16 and 17 of this section.

19. The corporation shall have perpetual existence until an act of law expressly dissolves the corporation; provided that no such law shall take effect so long as the corporation has obligations or bonds outstanding unless adequate provision has been made for the payment or retirement of such debts or obligations. Upon any such dissolution of the corporation, all property, funds, and assets thereof shall be vested in the state.

20. Except as provided under section 348.266, the state hereby pledges to, and agrees with, recipients of corporation funding or beneficiaries of corporation programs under sections 348.250 to 348.275 that the state shall not limit or alter the rights vested in the corporation under sections 348.250 to 348.275 to fulfill the terms of any agreements made or obligations incurred by the corporation with or to such third parties, or in any way impair the rights and remedies of such third parties until the obligations of the corporation and the state are fully met and discharged in accordance with sections 348.250 to 348.275.

21. The corporation shall be exempt from:

(1) Any general ad valorem taxes upon any property of the corporation acquired and used for its public purposes;

(2) Any taxes or assessments upon any projects or upon any operations of the corporation or the income therefrom;

(3) Any taxes or assessments upon any project or any property or local obligation acquired or used by the corporation under the provisions of sections 348.250 to 348.275, or upon income therefrom.

Purchases by the corporation to be used for its public purposes shall not be subject to sales or use tax under chapter 144. The exemptions hereby granted shall not extend to persons or entities conducting business on the corporations' property for which payment of state and local taxes would otherwise be required.

22. No funds of the corporation shall be distributed to its employees or members of the board; except that, the corporation may make reasonable payments for expenses incurred on its behalf relating to any of its lawful purposes and the corporation shall be authorized and empowered to pay reasonable compensation for services rendered to, or for, its benefit relating to any of its lawful

purposes, including to pay its employees reasonable compensation.

23. The corporation shall adopt and maintain a conflicts of interest policy to protect the corporation's interests by requiring disclosure by an interested party, appropriate recusal by such person, and appropriate action by the interested party or the board where a conflict of interest may exist or arise between the corporation and a director, officer, employee, or agent of the corporation.

348.257. 1. The board shall establish an executive committee of the corporation, to be composed of the chairperson, the vice-chairperson, and the secretary of the corporation, and two additional directors. The chairperson of the corporation shall serve as the chairperson of the executive committee.

2. The executive committee, in intervals between meetings of the board, may transact any business of the board that has been expressly delegated to the executive committee by the board. If so stipulated by the board, action delegated to the executive committee may be subject to subsequent ratification by the board; provided, however that until ratified or rejected by the board, any action delegated to, and taken by, the executive committee between meetings of the board will be binding upon the corporation as if ratified, and may be relied upon by third parties.

3. The board shall establish an audit committee of the corporation, to be composed of the chairperson of the corporation and four additional directors. The secretary of the corporation shall serve as the chairperson of the audit committee. The audit committee shall be responsible for oversight of the administration of the conflicts of interest policy, working with the president of the corporation to facilitate communications with the corporation's contract auditors, and such other responsibilities delegated to it by the board.

4. The board shall establish and maintain a research alliance of Missouri to be comprised of the chief research officers, or their designee, of the state's leading research universities and a representative of other leading not-for-profit research institutes headquartered in Missouri. Members of the research alliance of Missouri shall be selected for such terms of membership under such terms and condition as the board deems necessary and appropriate to advance the purposes of sections 348.250 to 348.275 and as comparable to other similar public sector bodies. The research alliance of Missouri shall elect a chairperson on an annual basis. The research alliance of Missouri shall prepare annual reports at the direction of the corporation that:

(1) Evaluate the specific areas of Missouri's research strengths and weaknesses and outline current research priorities of the state;

(2) Evaluate the ability of each member to realign their research and development resources, policies, and practices to seize emerging opportunities;

(3) Evaluate and summarize the best national and international practices for technology commercialization of university research and describe efforts that each university member has undertaken to implement best practices, including a description of the specific outcomes university members have achieved in technology commercialization; and

(4) Describe research collaborations by and between members and identify collaboration best practices that can or should be instituted in Missouri.

5. The board may establish other committees, both permanent and temporary, as it deems

necessary. Such committees may include national strategic, scientific and/or commercialization advisory boards comprised of individuals of national or international prominence in science and innovation and/or the business and commercialization of science and innovation.

6. The board may establish rules, policies, and procedures for the selection and conduct of committees and advisory boards, and the research alliance of Missouri; provided however, that the members of such committees and advisory boards agree to be bound by a conflict of interest policy consistent with the highest ethical standards that is suitable for such advisory roles and annually complete and certify to the board a disclosure and compliance certificate in accordance with such conflicts of interest policy.

348.261. 1. The corporation, after being certified by the governor as provided by section 348.251, [may] shall have all of the powers necessary or convenient to carry out the purposes and provisions of sections 348.250 to 348.275, including the powers as specified therein, and without limitation, the power to:

- (1) Establish a statewide business modernization network to assist Missouri businesses in identifying ways to enhance productivity and market competitiveness;
- (2) Identify scientific and technological problems and opportunities related to the economy of Missouri and formulate proposals to overcome those problems or realize those opportunities;
- (3) Identify specific areas where scientific research and technological investigation will contribute to the improvement of productivity of Missouri manufacturers and farmers;
- (4) Determine specific areas in which financial investment in scientific and technological research and development from private businesses located in Missouri could be enhanced or increased if state resources were made available to assist in financing activities;
- (5) Assist in establishing cooperative associations of universities in Missouri and of private enterprises for the purpose of coordinating research and development programs that will, consistent with the primary educational function of the universities, aid in the creation of new jobs in Missouri;
- (6) Assist in financing the establishment and continued development of technology-intensive businesses in Missouri;
- (7) Advise universities of the research needs of Missouri business and improve the exchange of scientific and technological information for the mutual benefit of universities and private business;
- (8) Coordinate programs established by universities to provide Missouri businesses with scientific and technological information;
- (9) Establish programs in scientific education which will support the accelerated development of technology-intensive businesses in Missouri;
- (10) Provide financial assistance through contracts, grants and loans to programs of scientific and technological research and development;
- (11) Determine how public universities can increase income derived from the sale or licensure of products or processes having commercial value that are developed as a result of university sponsored research programs;
- (12) Contract with innovation centers, as established in section 348.271, small business development

corporations, as established in sections 620.1000 to 620.1007, centers for advanced technology, as established in section 348.272, and other entities or organizations for the provision of technology application, technology commercialization and technology development services. [Such contracting procedures shall not be subject to the provisions of chapter 34; and];

(13) Make direct seed capital or venture capital investments in Missouri business investment funds or businesses [which] **that** demonstrate the promise of growth and job creation. Investments from the corporation may be in the form of debt or equity in the respective businesses;

(14) Make and execute contracts, guarantees, or any other instruments and agreements necessary or convenient for the exercise of its powers and functions;

(15) Contract for and to accept any gifts, grants, and loans of funds, property, or any other aid in any form from the federal government, the state, any state agency, or any other source, or any combination thereof, and to comply with the provisions of the terms and conditions thereof;

(16) Procure such insurance, participate in such insurance plans, or provide such self insurance or both as it deems necessary or convenient; provided however, the purchase of insurance, participation in an insurance plan, or creation of a self-insurance fund by the corporation shall not be deemed as a waiver or relinquishment of any sovereign immunity to which the corporation or its officers, directors, employees, or agents are otherwise entitled;

(17) Partner with universities or other research institutions in Missouri to attract and recruit world-class science and innovation talent to Missouri;

(18) Expend any and all funds from the Missouri science and innovation reinvestment fund and all other assets and resources of the corporation for the exclusive purpose of fulfilling any purpose, power, or duty of the corporation under sections 348.250 to 348.275, including but not limited to implementing the powers, purposes, and duties of the corporation as enumerated in this section;

(19) Participate in joint ventures and collaborate with any taxpayer, governmental body or agency, insurer, university, or college of the state, or any other entity to facilitate any activities or programs consistent with the purpose and intent of sections 348.250 to 348.275; and

(20) In carrying out any activities authorized by sections 348.250 to 348.275, the corporation provides appropriate assistance, including the making of investments, grants, and loans, and providing time of employees, to any taxpayer, governmental body, or agency, insurer, university, or college of the state, or any other entity, whether or not any such taxpayer, governmental body or agency, insurer, university, or college of the state, or any other entity, is owned or controlled in whole or in part, directly or indirectly, by the corporation.

2. The corporation shall endeavor to maximize the amount of leveraging of nonstate resources, including public and private, cash and in-kind, attained with its investments, grants, loans, or other forms of support. In the case of investments, grants, loans, or other forms of support that emphasize or are specifically intended to impact a particular Missouri county, municipality, or other geographic subdivision of the state, or are otherwise local in nature, the corporation shall give consideration and weight to local matching funds and other matching resources, public and private.

3. Except as expressly provided in sections 348.250 to 348.275, all monies earned or received by the corporation, including all funds derived from the commercialization of science and innovation

products, methods, services, and technology by the corporation, or any affiliate or subsidiary thereof, or from the Missouri science and innovation reinvestment fund, shall belong exclusively to and be subject to the exclusive control of the corporation.

4. The corporation shall have all the powers of a not-for-profit corporation established under Missouri law.

5. The corporation shall assume all moneys, property, or other assets remaining with the Missouri seed capital investment board, established in section 620.641. All powers, duties, and functions performed by the Missouri seed capital investment board shall be transferred to the Missouri technology corporation.

6. The corporation shall not be subject to the provisions of chapter 34.

348.262. In order to assist the corporation in achieving the objectives identified in section 348.261, the department of economic development may contract with the corporation for activities consistent with the corporation's purpose, as specified in [section 348.256] **sections 348.250 to 348.275**. When contracting with the corporation under the provisions of this section, the department of economic development may directly enter into agreements with the corporation and shall not be bound by the provisions of chapter 34, RSMo.

348.263. 1. [The Missouri business modernization and technology corporation shall replace the corporation for science and technology. All moneys, property or any other assets remaining with the corporation for science and technology after all obligations are satisfied on August 28, 1993, shall be transferred to the Missouri business modernization and technology corporation. All powers, duties and functions performed by the Missouri corporation of science and technology on August 28, 1993, shall be transferred to the Missouri business modernization and technology corporation.] **Except as otherwise provided in sections 348.250 to 348.275, the corporation shall be subject to requirements applicable to governmental bodies and records contained in sections 610.010 to 610.225.**

2. [The Missouri technology corporation shall replace the Missouri business modernization and technology corporation. All moneys, property or any other assets remaining with the Missouri business modernization and technology corporation after all obligations are satisfied on August 28, 1994, shall be transferred to the Missouri technology corporation. All powers, duties and functions performed by the Missouri business modernization and technology corporation on August 28, 1994, shall be transferred to the Missouri technology corporation.] **In addition to the exceptions available under sections 610.010 to 610.225, the records of the corporation shall not be subject to the provisions of sections 610.010 to 610.225, when, upon determination by the corporation, the disclosure of the information in the records would be harmful to the competitive position of the corporation and such records contain:**

(1) Proprietary information gathered by, or in the possession of, the corporation from third parties pursuant to a promise of confidentiality;

(2) Contract cost estimates prepared for confidential use in awarding contracts for research, development, construction, renovation, commercialization, or the purchase of goods or services;

(3) Data, records, or information of a proprietary nature produced or collected by, or for, the corporation, its employees, officers, or members of its board;

(4) Third-party financial statements, records, and related data not publicly available that may be shared with the corporation;

(5) Consulting or other reports paid for by the corporation to assist the corporation in connection with its strategic planning and goals; or

(6) The determination of marketing and operational strategies where disclosure of such strategies would be harmful to the competitive position of the corporation.

3. In addition to the exceptions available under sections 610.010 to 610.225, the corporation, including the board, executive committee, audit committee, and research alliance of Missouri, or other such committees or boards that the corporation may authorize from time to time, may discuss, consider, and take action on any the following in closed session, when upon determination by the corporation, including as appropriate the board, executive committee, audit committee, and research alliance of Missouri, or other such committees or boards that the corporation may authorize from time to time, disclosure of such items would be harmful to the competitive position of the corporation:

(1) Plans that could affect the value of property, real or personal, owned, or desirable for ownership by the corporation;

(2) The condition, acquisition, use, or disposition of real or personal property; or

(3) Contracts for applied research; basic research; science and innovation product development, manufacturing, or commercialization; construction and renovation of science and innovation facilities; or marketing or operational strategies.

348.264. [1.] There is hereby established in the state treasury a special fund to be known as the “Missouri [Technology Investment] **Science and Innovation Reinvestment Fund**”, which shall consist of all moneys which may be appropriated to it by the general assembly **based on the applicable percentage of the amount by which science and innovation employees' gross wages for the year exceeds the base year gross wages pursuant to section 348.265; other funds appropriated to it by the general assembly**, and also any gifts, contributions, grants or bequests received from federal, private or other sources. [Such moneys shall include federal funds which may be received from the National Institute for Science and Technology, the Small Business Administration and the Department of Defense through its Technology Reinvestment Program.] Money in the Missouri [technology investment program] **science and innovation reinvestment fund** shall be used to carry out the provisions of sections [348.251] **348.250** to 348.275. Moneys for business modernization programs, technology application programs, technology commercialization programs and technology development programs established pursuant to the provisions of sections [348.251] **348.250** to 348.275 shall be available from appropriations made by the general assembly from the Missouri [technology investment] **science and innovation reinvestment fund**. Any moneys remaining in the Missouri [technology investment] **science and innovation reinvestment fund** at the end of any fiscal year shall not lapse to the general revenue fund, as provided in section 33.080, but shall remain in the Missouri technology investment fund.

[2. Notwithstanding the provisions of sections 173.500 to 173.565, RSMo, the Missouri technology investment fund shall be utilized to fund projects which would previously have been funded through the higher education applied projects fund.]

348.265. 1. As soon as practicable after August 28, 2011, the director of the department of economic development, with the assistance of the director of the department of revenue, shall establish the base year gross wages and report the amount of the base year gross wages to the president and board of the corporation, the governor, and the general assembly. Within one hundred

eighty days after the end of each fiscal year beginning with the fiscal year ending June 30, 2011, and for each subsequent fiscal year prior to the end of the last funding year, the director of economic development, with the assistance of the director of the department of revenue, shall determine and report to the president and board of the corporation, governor, and general assembly the amount by which aggregate science and innovation employees' gross wages for the fiscal year exceeds the base year gross wages. The director of economic development and the director of the department of revenue may consider any verifiable evidence, including but not limited to the NAICS codes assigned or recorded by the United States Department of Labor for companies with employees in the state, when determining which organizations should be classified as science and innovation companies.

2. Notwithstanding section 23.250 to the contrary, for each of the twenty-five funding years, beginning July 1, 2011, the director of revenue shall transfer to the Missouri science and innovation reinvestment fund an amount equal to the product of the applicable percentage multiplied by an amount equal to the increase in aggregate science and innovation employees' gross wages for the prior fiscal year, over the base year gross wages. The director of revenue may make estimated payments to the Missouri science and innovation reinvestment fund more frequently based on estimates provided by the director of revenue and reconciled annually.

3. Local political subdivisions may contribute to the Missouri science and innovation reinvestment fund through a grant, contract, or loan by dedicating a portion of any sales tax or property tax increase resulting from increases in science and innovation company economic activity occurring after August 28, 2011, or other such taxes or fees as such local political subdivisions may establish.

4. Funding generated by the provisions of this section shall be expended by the corporation to further its purposes as specified in section 348.256.

5. Upon enactment of this section, the corporation shall prepare a strategic plan for the use of the funding to be generated by the provisions of this section, and may consult with science and innovation partners, including, but not limited to the research alliance of Missouri, as established in section 348.257; the life sciences research board established in section 196.1003; and the innovation centers or centers for advanced technology, as established in section 348.272. The corporation shall make a draft strategic plan available for public comment prior to publication of the final strategic plan.

348.269. 1. Nothing contained in sections 348.250 to 348.275 shall be construed as a restriction or limitation upon any powers that the corporation might otherwise have under chapter 355, and the provisions of sections 348.250 to 348.275 are cumulative to such powers.

2. Nothing in sections 348.250 to 348.275 shall be construed as allowing the board to sell the corporation or substantially all of the assets of the corporation, or to merge the corporation with another institution, without prior authorization by the general assembly.

3. Notwithstanding the provisions of section 23.253 to the contrary, the provisions of sections 348.250 to 348.275 shall not sunset. The provisions of sections 348.250 to 348.275 shall not terminate before the satisfaction of all outstanding obligations, notes, and bonds provided for under sections 348.250 to 348.275.

4. The provisions of sections 348.250 to 348.275 shall not terminate before the satisfaction of all outstanding obligations, notes, and bonds provided for under sections 348.250 to 348.275.

5. If any provision of this Act or the application thereof is held invalid, the invalidity shall not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable. Insofar as the provisions of sections 348.250 to 348.275 are inconsistent with the provisions of any other law, general, specific or local, the provisions of sections 348.250 to 348.275 shall be controlling.

348.271. 1. In order to foster the growth of Missouri's economy and to stimulate the creation of new jobs in [technology-based] **science and innovation-based** industry for the state's work force, the Missouri technology corporation, in accordance with the provisions of this section and within the limits of appropriations therefor is authorized to contract with Missouri not-for-profit corporations for the operation of innovation centers within the state. The primary emphasis of some, if not of all innovation centers, shall be in the areas of [technology commercialization, finance and business modernization. Innovation centers operated under the provisions of this section shall provide assistance to individuals and business organizations during the early stages of the development of new technology-based] **science and innovation-based** business ventures. Such assistance may include the provision of facilities, equipment, administrative and managerial support, planning assistance, and such other services and programs that enhance the development of such ventures and such assistance may be provided for fees or other consideration.

2. The innovation centers operated under this section shall counsel and assist the new [technology-based] **science and innovation-based** business ventures in finding a suitable site in the state of Missouri for location of the business upon its graduation from the innovation program. Each innovation center shall annually submit a report of its activities to the department of economic development and the Missouri technology corporation which shall include, but not be limited to, the success rate of the businesses graduating from the center, the progress and locations of businesses which have graduated from the center, the types of businesses which have graduated from the center, and the number of jobs created by the businesses involved in the center.

3. Any contract signed between the corporation and any not-for-profit organization to operate an innovation center in accordance with the provisions of this section shall require that the not-for-profit organization must provide at least a one-hundred-percent match for the funding received from the corporation pursuant to appropriation therefor.

348.300. As used in sections 348.300 to 348.318, the following terms mean:

(1) "Commercial activity located in Missouri", any research, development, prototype fabrication, and subsequent precommercialization activity, or any activity related thereto, conducted in Missouri for the purpose of producing a service or a product or process for manufacture, assembly or sale or developing a service based on such a product or process by any person, corporation, partnership, joint venture, unincorporated association, trust or other organization doing business in Missouri. Subsequent to January 1, 1999, a commercial activity located in Missouri shall mean only such activity that is located within a distressed community, as defined in section 135.530;

(2) "Follow-up capital", capital provided to a commercial activity located in Missouri in which a qualified fund has previously invested seed capital or start-up capital and which does not exceed ten times the amount of such seed and start-up capital;

(3) "Person", any individual, corporation, partnership, or other entity, including any charitable corporation which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143;

(4) “Qualified contribution”, cash contribution to a qualified fund;

(5) “Qualified economic development organization”, any corporation organized under the provisions of chapter 355 which has as of January 1, 1991, obtained a contract with the department of economic development to operate an innovation center to promote, assist and coordinate the research and development of new services, products or processes in the state of Missouri; and the Missouri technology corporation organized pursuant to the provisions of sections [348.253 to 348.266] **348.250 to 348.275**;

(6) “Qualified fund”, any corporation, partnership, joint venture, unincorporated association, trust or other organization which is established under the laws of Missouri after December 31, 1985, which meets all of the following requirements established by this subdivision. The fund shall have as its sole purpose and business the making of investments, of which at least ninety percent of the dollars invested shall be qualified investments. The fund shall enter into a contract with one or more qualified economic development organizations which shall entitle the qualified economic development organizations to receive not less than ten percent of all distributions of equity and dividends or other earnings of the fund. Such contracts shall require the qualified fund to transfer to the Missouri technology corporation organized pursuant to the provisions of sections [348.253 to 348.266] **348.250 to 348.275** this interest and make corresponding distributions thereto in the event the qualified economic development organization holding such interest is dissolved or ceases to do business for a period of one year or more;

(7) “Qualified investment”, any investment of seed capital, start-up capital, or follow-up capital in any commercial activity located in Missouri;

(8) “Seed capital”, capital provided to a commercial activity located in Missouri for research, development and precommercialization activities to prove a concept for a new product or process or service, and for activities related thereto;

(9) “Start-up capital”, capital provided to a commercial activity located in Missouri for use in preproduction product development or service development or initial marketing thereof, and for activities related thereto;

(10) “State tax liability”, any state tax liability incurred by a taxpayer under the provisions of chapters 143, 147 and 148, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265 and related provisions;

(11) “Uninvested capital”, the amount of any distribution, other than of earnings, by a qualified fund made within five years of the issuance of a certificate of tax credit as provided by sections 348.300 to 348.318; or the portion of all qualified contributions to a qualified fund which are not invested as qualified investments within five years of the issuance of a certificate of tax credit as provided by sections 348.300 to 348.318 to the extent that the amount not so invested exceeds ten percent of all such qualified contributions.”; and

Further amend said bill, Page 323, Section 178.896, Line 19, by inserting after all of said line the following:

“[348.253. 1. The Missouri technology corporation may contract with not-for-profit organizations to carry out the provisions of sections 348.251 to 348.275. By entering into such contracts, the corporation shall attempt to achieve the following objectives:

(1) The establishment of a research alliance which shall advance technology development,

as defined in subdivision (3) of section 348.251. The corporation, in this capacity, shall have the authority to contract directly with centers for advanced technology, as established by section 348.272, and other not-for-profit entities. In proceeding with this objective, the corporation and centers for advanced technology shall utilize the results of targeted industry studies commissioned by the department of economic development;

(2) Technology commercialization, as defined in subdivision (2) of section 348.251;

(3) The establishment of a finance corporation to assist in the implementation of section 348.261; and

(4) The enhancement of technology application, as defined in subdivision (1) of section 348.251.

2. Any contract signed between the corporation and any not-for-profit organization, including innovation centers as defined in section 348.271, shall require that the not-for-profit organization must provide at least one-hundred-percent match for any funding received from the corporation through the technology investment fund, as established in section 348.264.]”;

Further amend the title and enacting clause accordingly.

Senator Richard moved that the above amendment be adopted.

Senator Crowell offered **SA 1** to **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 116 and 316, Page 29, Section 348.265, Line 26, by inserting immediately after the word “July 1, 2011,” the following: “**subject to appropriation,**”; and further amend line 28, by inserting immediately after the word “amount” the following “**not to exceed an amount**”.

Senator Crowell moved that the above amendment be adopted.

At the request of Senator Purgason, **HCS** for **HBs 116** and **316**, with **SCS, SS** for **SCS, SA 2** and **SA 1** to **SA 2** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS**, as amended for **SCS** for **HCS** for **HB 45** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 45**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **HCS** for **HB 193** and has taken up and passed **CCS** for **SS** for **HCS** for **HB 193**.

PRIVILEGED MOTIONS

Senator Rupp, on behalf of the conference committee appointed to act with a like committee from the

House on **SS** for **HCS** for **HB 193** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 193

The Conference Committee appointed on Senate Substitute for House Committee Substitute for House Bill No. 193 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for House Committee Substitute for House Bill No. 193;
2. That the House recede from its position on House Committee Substitute for House Bill No. 193;
3. That the attached Conference Committee Substitute for Senate Substitute for House Committee Substitute for House Bill No. 193, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ John Diehl
/s/ Stanley Cox
/s/ Tom Loehner
/s/ Penny V. Hubbard
/s/ Jamilah Nasheed

FOR THE SENATE:

/s/ Scott Rupp
/s/ Jason Crowell
/s/ Brad Lager
/s/ Victor E. Callahan
Robin Wright-Jones

Senator Rupp moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Crowell	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Justus	Kehoe	Kraus	Lager	Lamping	Lembke	Mayer
Munzlinger	Nieves	Parson	Pearce	Richard	Ridgeway	Rupp	Schaaf
Schaefer	Schmitt	Wasson—27					

NAYS—Senators

Chappelle-Nadal	Green	Keaveny	McKenna	Purgason	Stouffer	Wright-Jones—7
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Rupp, **CCS** for **SS** for **HCS** for **HB 193**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 193

An Act to repeal sections 128.345, 128.346, and 128.348, RSMo, and to enact in lieu thereof eleven new sections relating to the composition of congressional districts.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Crowell	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Justus	Kehoe	Kraus	Lager	Lamping	Lembke	Mayer
Munzlinger	Nieves	Parson	Pearce	Richard	Ridgeway	Rupp	Schaaf
Schaefer	Schmitt	Wasson—27					

NAYS—Senators

Chappelle-Nadal	Green	Keaveny	McKenna	Purgason	Stouffer	Wright-Jones—7
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Purgason moved that **HCS** for **HBs 116** and **316**, with **SCS**, **SS** for **SCS**, **SA 2** and **SA 1** to **SA 2** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 1 to **SA 2** was again taken up.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

SA 2, as amended, was again taken up.

Senator Richard moved that the above amendment be adopted, which motion prevailed.

Senator Engler offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 116 and 316, Pages 10-11, Section 32.088, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Engler moved that the above amendment be adopted, which motion prevailed.

Senator Lembke offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 116 and 316, Page 243, Section 447.708, Line 13 of said page, by striking the word “ten” and inserting in lieu thereof the following: **“five”**.

Senator Lembke moved that the above amendment be adopted, which motion failed.

Senator Green offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 116 and 316, Pages 154-155, Section 135.1505, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

Senator Stouffer assumed the Chair.

At the request of Senator Green, **SA 5** was withdrawn.

Senator Green offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 116 and 316, Page 154, Section 135.1505, Line 20, by striking the word “shall” and inserting in lieu thereof the following: **“may”**.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Green offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 116 and 316, Page 150, Section 135.1500, Line 23 of said page, by inserting immediately after the words “manufacturing facility” the following: **“, provided that such facility is not located on property for which tax credits have been requested under the provisions of section 99.1205”**.

Senator Green moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Nieves assumed the Chair.

Senator Stouffer offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 116 and 316, Page 148, Section 135.1150, Line 20 of said page, by inserting immediately after said line the following:

“135.1180. 1. This section shall be known and may be cited as the “Developmental Disability Care

Provider Tax Credit Program”.

2. As used in this section, the following terms mean:

(1) “Certificate”, a tax credit certificate issued under this section;

(2) “Department”, the Missouri department of social services;

(3) “Eligible donation”, donations received, by a provider, from a taxpayer that are used solely to provide direct care services to persons with developmental disabilities who are residents of this state. Eligible donations may include cash, publicly traded stocks and bonds, and real estate that will be valued and documented according to rules promulgated by the department of social services. For purposes of this section, “direct care services” include, but are not limited to, increasing the quality of care and service for persons with developmental disabilities through improved employee compensation and training;

(4) “Qualified developmental disability care provider” or “provider”, a care provider that provides assistance to persons with developmental disabilities, and is under contract with the Missouri department of social services or department of mental health to provide treatment services for such persons, and that receives eligible donations. Any provider that operates more than one facility or at more than one location shall be eligible for the tax credit under this section only for any eligible donation made to facilities or locations of the provider which are licensed and accredited;

(5) “Taxpayer”, any of the following individuals or entities who make an eligible donation to a provider:

(a) A person, firm, partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed in chapter 143;

(b) A corporation subject to the annual corporation franchise tax imposed in chapter 147;

(c) An insurance company paying an annual tax on its gross premium receipts in this state;

(d) Any other financial institution paying taxes to the state of Missouri or any political subdivision of this state under chapter 148;

(e) An individual subject to the state income tax imposed in chapter 143;

(f) Any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143.

3. For all taxable years beginning on or after January 1, 2011, any taxpayer shall be allowed a credit against the taxes otherwise due under chapter 143, 147, or 148 excluding withholding tax imposed by sections 143.191 to 143.265 in an amount equal to fifty percent of the amount of an eligible donation, subject to the restrictions in this section. The amount of the tax credit claimed shall not exceed the amount of the taxpayer’s state income tax liability in the tax year for which the credit is claimed. Any amount of credit that the taxpayer is prohibited by this section from claiming in a tax year shall not be refundable, but may be carried forward to any of the taxpayer’s four subsequent taxable years.

4. To claim the credit authorized in this section, a provider may submit to the department an application for the tax credit authorized by this section on behalf of taxpayers. The department shall

verify that the provider has submitted the following items accurately and completely:

- (1) A valid application in the form and format required by the department;
 - (2) A statement attesting to the eligible donation received, which shall include the name and taxpayer identification number of the individual making the eligible donation, the amount of the eligible donation, and the date the eligible donation was received by the provider; and
 - (3) Payment from the provider equal to the value of the tax credit for which application is made.
- If the provider applying for the tax credit meets all criteria required by this subsection, the department shall issue a certificate in the appropriate amount.

5. Tax credits issued under this section may be assigned, transferred, sold, or otherwise conveyed, and the new owner of the tax credit shall have the same rights in the credit as the taxpayer. Whenever a certificate is assigned, transferred, sold, or otherwise conveyed, a notarized endorsement shall be filed with the department specifying the name and address of the new owner of the tax credit or the value of the credit.

6. The department shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.

7. Under section 23.253 of the Missouri sunset act:

- (1) The provisions of the new program authorized under this section shall automatically sunset four years after August 28, 2011, unless reauthorized by an act of the general assembly; and
- (2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and
- (3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and

Further amend the title and enacting clause accordingly.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

Senator Crowell offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 116 and 316, Page 48, Section 67.3005, Line 5 of said page, by inserting after all of said line the following:

“99.975. 1. No new applications made pursuant to sections 99.915 to 99.980 shall be approved after [January 1, 2013] **August 28, 2011**.

2. No applications made pursuant to sections 99.915 to 99.980 shall be approved prior to August 28,

2003, except for applications for projects that are located within a county for which public and individual assistance has been requested by the governor pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq., for an emergency proclaimed by the governor pursuant to section 44.100 due to a natural disaster of major proportions that occurred after May 1, 2003, but prior to May 10, 2003, and the development project area is a central business district that sustained severe damage as a result of such natural disaster, as determined by the state emergency management agency.

3. Prior to December 31, 2006, the Missouri development finance board may approve up to two applications made pursuant to sections 99.915 to 99.980 in a home rule city with more than four hundred thousand inhabitants and located in more than one county in which the state sales tax increment for such projects approved pursuant to the provisions of this subsection shall be up to one-half of the incremental increase in all sales taxes levied pursuant to section 144.020. In no event shall the incremental increase include any amounts attributable to retail sales unless the Missouri development finance board and the department of economic development are satisfied based on information provided by the municipality or authority, and such entities have made a finding that a substantial portion of all but a de minimus portion of the sales tax increment attributable to retail sales is from new sources which did not exist in the state during the baseline year. The incremental increase for an existing facility shall be the amount of all state sales taxes generated pursuant to section 144.020 at the facility in excess of the amount of all state sales taxes generated pursuant to section 144.020 at the facility in the baseline year. The incremental increase in development project areas where the baseline year is the year following the year in which the development project is approved by the municipality pursuant to subdivision (2) of section 99.918 shall be the state sales tax revenue generated by out-of-state businesses relocating into a development project area. The incremental increase for a Missouri facility which relocates to a development project area shall be the amount by which the state sales tax revenue of the facility exceeds the state sales tax revenue for the facility in the calendar year prior to relocation.”; and

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Kehoe assumed the Chair.

Senator Pearce offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 116 and 316, Pages 197-203, Section 168.071, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Pearce moved that the above amendment be adopted, which motion prevailed.

Senator Lamping offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 116 and 316, Pages 11-17, Section 32.105 of said page, by striking all of said section from the bill; and

Further amend said bill, pages 17-18, section 32.110, by striking all of said section from the bill; and

Further amend said bill, pages 18-27, section 32.115, by striking all of said section and inserting in lieu thereof the following:

“32.115. 1. The department of revenue shall grant a tax credit, to be applied in the following order until used, against:

- (1) The annual tax on gross premium receipts of insurance companies in chapter 148;
- (2) The tax on banks determined pursuant to subdivision (2) of subsection 2 of section 148.030;
- (3) The tax on banks determined in subdivision (1) of subsection 2 of section 148.030;
- (4) The tax on other financial institutions in chapter 148;
- (5) The corporation franchise tax in chapter 147;
- (6) The state income tax in chapter 143; and
- (7) The annual tax on gross receipts of express companies in chapter 153.

2. For proposals approved pursuant to section 32.110:

(1) The amount of the tax credit shall not exceed fifty percent of the total amount contributed during the taxable year by the business firm or, in the case of a financial institution, where applicable, during the relevant income period in programs approved pursuant to section 32.110;

(2) Except as provided in subsection 2 or 5 of this section, a tax credit of up to seventy percent may be allowed for contributions to programs where activities fall within the scope of special program priorities as defined with the approval of the governor in regulations promulgated by the director of the department of economic development;

(3) Except as provided in subsection 2 or 5 of this section, the tax credit allowed for contributions to programs located in any community shall be equal to seventy percent of the total amount contributed where such community is a city, town or village which has fifteen thousand or less inhabitants as of the last decennial census and is located in a county which is either located in:

(a) An area that is not part of a standard metropolitan statistical area;

(b) A standard metropolitan statistical area but such county has only one city, town or village which has more than fifteen thousand inhabitants; or

(c) A standard metropolitan statistical area and a substantial number of persons in such county derive their income from agriculture. Such community may also be in an unincorporated area in such county as provided in subdivision (1), (2) or (3) of this subsection. Except in no case shall the total economic benefit of the combined federal and state tax savings to the taxpayer exceed the amount contributed by the taxpayer during the tax year;

(4) Such tax credit allocation, equal to seventy percent of the total amount contributed, shall not exceed four million dollars in fiscal year 1999 and six million dollars in fiscal year 2000 and any subsequent fiscal year. When the maximum dollar limit on the seventy percent tax credit allocation is committed, the tax credit allocation for such programs shall then be equal to fifty percent credit of the total amount contributed. Regulations establishing special program priorities are to be promulgated during the first month of each fiscal year and at such times during the year as the public interest dictates. Such credit shall not exceed two

hundred and fifty thousand dollars annually except as provided in subdivision (5) of this subsection. No tax credit shall be approved for any bank, bank and trust company, insurance company, trust company, national bank, savings association, or building and loan association for activities that are a part of its normal course of business. Any tax credit not used in the period the contribution was made may be carried over the next five succeeding calendar or fiscal years until the full credit has been claimed. Except as otherwise provided for proposals approved pursuant to section 32.111, 32.112 or 32.117, in no event shall the total amount of all other tax credits allowed pursuant to sections 32.100 to 32.125 exceed thirty-two million dollars in any one fiscal year, of which six million shall be credits allowed pursuant to section 135.460. If six million dollars in credits are not approved, then the remaining credits may be used for programs approved pursuant to sections 32.100 to 32.125;

(5) The credit may exceed two hundred fifty thousand dollars annually and shall not be limited if community services, crime prevention, education, job training, physical revitalization or economic development, as defined by section 32.105, is rendered in an area defined by federal or state law as an impoverished, economically distressed, or blighted area or as a neighborhood experiencing problems endangering its existence as a viable and stable neighborhood, or if the community services, crime prevention, education, job training, physical revitalization or economic development is limited to impoverished persons.

3. For proposals approved pursuant to section 32.111:

(1) The amount of the tax credit shall not exceed fifty-five percent of the total amount invested in affordable housing assistance activities or market rate housing in distressed communities as defined in section 135.530 by a business firm. Whenever such investment is made in the form of an equity investment or a loan, as opposed to a donation alone, tax credits may be claimed only where the loan or equity investment is accompanied by a donation which is eligible for federal income tax charitable deduction, and where the total value of the tax credits herein plus the value of the federal income tax charitable deduction is less than or equal to the value of the donation. Any tax credit not used in the period for which the credit was approved may be carried over the next ten succeeding calendar or fiscal years until the full credit has been allowed. If the affordable housing units or market rate housing units in distressed communities for which a tax is claimed are within a larger structure, parts of which are not the subject of a tax credit claim, then expenditures applicable to the entire structure shall be reduced on a prorated basis in proportion to the ratio of the number of square feet devoted to the affordable housing units or market rate housing units in distressed communities, for purposes of determining the amount of the tax credit. The total amount of tax credit granted for programs approved pursuant to section 32.111 for the fiscal year beginning July 1, 1991, shall not exceed two million dollars, to be increased by no more than two million dollars each succeeding fiscal year, until the total tax credits that may be approved reaches ten million dollars in any fiscal year;

(2) For any year during the compliance period indicated in the land use restriction agreement, the owner of the affordable housing rental units for which a credit is being claimed shall certify to the commission that all tenants renting claimed units are income eligible for affordable housing units and that the rentals for each claimed unit are in compliance with the provisions of sections 32.100 to 32.125. The commission is authorized, in its discretion, to audit the records and accounts of the owner to verify such certification;

(3) In the case of owner-occupied affordable housing units, the qualifying owner occupant shall, before the end of the first year in which credits are claimed, certify to the commission that the occupant is income eligible during the preceding two years, and at the time of the initial purchase contract, but not thereafter.

The qualifying owner occupant shall further certify to the commission, before the end of the first year in which credits are claimed, that during the compliance period indicated in the land use restriction agreement, the cost of the affordable housing unit to the occupant for the claimed unit can reasonably be projected to be in compliance with the provisions of sections 32.100 to 32.125. Any succeeding owner occupant acquiring the affordable housing unit during the compliance period indicated in the land use restriction agreement shall make the same certification;

(4) If at any time during the compliance period the commission determines a project for which a proposal has been approved is not in compliance with the applicable provisions of sections 32.100 to 32.125 or rules promulgated therefor, the commission may within one hundred fifty days of notice to the owner either seek injunctive enforcement action against the owner, or seek legal damages against the owner representing the value of the tax credits, or foreclose on the lien in the land use restriction agreement, selling the project at a public sale, and paying to the owner the proceeds of the sale, less the costs of the sale and less the value of all tax credits allowed herein. The commission shall remit to the director of revenue the portion of the legal damages collected or the sale proceeds representing the value of the tax credits. However, except in the event of intentional fraud by the taxpayer, the proposal's certificate of eligibility for tax credits shall not be revoked.

4. For proposals approved pursuant to section 32.112, the amount of the tax credit shall not exceed fifty-five percent of the total amount contributed to a neighborhood organization by business firms. Any tax credit not used in the period for which the credit was approved may be carried over the next ten succeeding calendar or fiscal years until the full credit has been allowed. The total amount of tax credit granted for programs approved pursuant to section 32.112 shall not exceed one million dollars for each fiscal year.

5. The total amount of tax credits used for market rate housing in distressed communities pursuant to sections 32.100 to 32.125 shall not exceed thirty percent of the total amount of all tax credits authorized pursuant to sections 32.111 and 32.112.

6. Notwithstanding any provision of law to the contrary, no tax credits provided under sections 32.100 to 32.125 shall be authorized on or after August 28, 2015. The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to issue tax credits authorized prior to August 28, 2015, or a taxpayer's ability to redeem such tax credits.”; and

Further amend said bill, pages 27-29, section 32.117, by striking all of said section from the bill; and

Further amend said bill, page 29, section 32.120, lines 19-25 of said page, by striking all of said section from the bill; and

Further amend said bill, page 78, section 135.327, lines 14-25 of said page, by striking all of the underlined language from said lines; and

Further amend said bill and section, page 81, lines 19-28 of said page, by striking all of the underlined language from said lines; and

Further amend said bill and section, page 82, lines 1-3 of said page, by striking all of the underlined language from said lines; and

Further amend said bill, pages 89-94, section 135.460, by striking all of said section and inserting in lieu thereof the following:

“135.460. 1. This section and sections 620.1100 and 620.1103 shall be known and may be cited as the “Youth Opportunities and Violence Prevention Act”.

2. As used in this section, the term “taxpayer” shall include corporations as defined in section 143.441 or 143.471, any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143, and individuals, individual proprietorships and partnerships.

3. A taxpayer shall be allowed a tax credit against the tax otherwise due pursuant to chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, chapter 147, chapter 148, or chapter 153 in an amount equal to thirty percent for property contributions and fifty percent for monetary contributions of the amount such taxpayer contributed to the programs described in subsection 5 of this section, not to exceed two hundred thousand dollars per taxable year, per taxpayer; except as otherwise provided in subdivision (5) of subsection 5 of this section. The department of economic development shall prescribe the method for claiming the tax credits allowed in this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. All rulemaking authority delegated prior to June 27, 1997, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to June 27, 1997, if such rule complied with the provisions of chapter 536. The provisions of this section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, including the ability to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule, are subsequently held unconstitutional, then the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.

4. The tax credits allowed by this section shall be claimed by the taxpayer to offset the taxes that become due in the taxpayer's tax period in which the contribution was made. Any tax credit not used in such tax period may be carried over the next five succeeding tax periods.

5. The tax credit allowed by this section may only be claimed for monetary or property contributions to public or private programs authorized to participate pursuant to this section by the department of economic development and may be claimed for the development, establishment, implementation, operation, and expansion of the following activities and programs:

(1) An adopt-a-school program. Components of the adopt-a-school program shall include donations for school activities, seminars, and functions; school-business employment programs; and the donation of property and equipment of the corporation to the school;

(2) Expansion of programs to encourage school dropouts to reenter and complete high school or to complete a graduate equivalency degree program;

(3) Employment programs. Such programs shall initially, but not exclusively, target unemployed youth living in poverty and youth living in areas with a high incidence of crime;

(4) New or existing youth clubs or associations;

(5) Employment/internship/apprenticeship programs in business or trades for persons less than twenty years of age, in which case the tax credit claimed pursuant to this section shall be equal to one-half of the amount paid to the intern or apprentice in that tax year, except that such credit shall not exceed ten thousand dollars per person;

(6) Mentor and role model programs;

(7) Drug and alcohol abuse prevention training programs for youth;

(8) Donation of property or equipment of the taxpayer to schools, including schools which primarily educate children who have been expelled from other schools, or donation of the same to municipalities, or not-for-profit corporations or other not-for-profit organizations which offer programs dedicated to youth violence prevention as authorized by the department;

(9) Not-for-profit, private or public youth activity centers;

(10) Nonviolent conflict resolution and mediation programs;

(11) Youth outreach and counseling programs.

6. Any program authorized in subsection 5 of this section shall, at least annually, submit a report to the department of economic development outlining the purpose and objectives of such program, the number of youth served, the specific activities provided pursuant to such program, the duration of such program and recorded youth attendance where applicable.

7. The department of economic development shall, at least annually submit a report to the Missouri general assembly listing the organizations participating, services offered and the number of youth served as the result of the implementation of this section.

8. The tax credit allowed by this section shall apply to all taxable years beginning after December 31, 1995.

9. For the purposes of the credits described in this section, in the case of a corporation described in section 143.471, partnership, limited liability company described in section 347.015, cooperative, marketing enterprise, or partnership, in computing Missouri's tax liability, such credits shall be allowed to the following:

(1) The shareholders of the corporation described in section 143.471;

(2) The partners of the partnership;

(3) The members of the limited liability company; and

(4) Individual members of the cooperative or marketing enterprise. Such credits shall be apportioned to the entities described in subdivisions (1) and (2) of this subsection in proportion to their share of ownership on the last day of the taxpayer's tax period.

10. Notwithstanding any provision of law to the contrary, no tax credits provided under this section shall be authorized on or after August 28, 2015. The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to issue tax credits authorized prior to August 28, 2015, or a taxpayer's ability to redeem such tax credits.”; and

Further amend said bill, pages 105-109, section 135.550, by striking all of said section and inserting in lieu thereof the following:

“135.550. 1. As used in this section, the following terms shall mean:

(1) “Contribution”, a donation of cash, stock, bonds or other marketable securities, or real property;

(2) “Shelter for victims of domestic violence”, a facility located in this state which meets the definition

of a shelter for victims of domestic violence pursuant to section 455.200 and which meets the requirements of section 455.220;

(3) “State tax liability”, in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, chapter 147, chapter 148, and chapter 153, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265 and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143;

(4) “Taxpayer”, a person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, including any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, or an individual subject to the state income tax imposed by the provisions of chapter 143.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a shelter for victims of domestic violence.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a shelter or shelters for victims of domestic violence in such taxpayer's taxable year has a value of at least one hundred dollars.

5. The director of the department of social services shall determine, at least annually, which facilities in this state may be classified as shelters for victims of domestic violence. The director of the department of social services may require of a facility seeking to be classified as a shelter for victims of domestic violence whatever information is reasonably necessary to make such a determination. The director of the department of social services shall classify a facility as a shelter for victims of domestic violence if such facility meets the definition set forth in subsection 1 of this section.

6. The director of the department of social services shall establish a procedure by which a taxpayer can determine if a facility has been classified as a shelter for victims of domestic violence, and by which such taxpayer can then contribute to such shelter for victims of domestic violence and claim a tax credit. Shelters for victims of domestic violence shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to shelters for victims of domestic violence in any one fiscal year shall not exceed two million dollars.

7. The director of the department of social services shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director of the department of social services, the cumulative amount of tax credits are equally apportioned among all facilities classified as shelters for victims of domestic violence. If a shelter for victims of domestic violence fails to use all, or some percentage to be determined by the director of the department of social services, of its apportioned tax credits during this predetermined period of time, the director of the department of social services may reapportion these unused tax credits to those shelters for victims of domestic violence that have used all, or some percentage to be determined by the director of the department of social services, of their apportioned tax credits during this predetermined period of time. The director of the department of social services may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director of the department of social services shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. This section shall become effective January 1, 2000, and shall apply to all tax years after December 31, 1999.

9. Notwithstanding any provision of law to the contrary, no tax credits provided under this section shall be authorized on or after August 28, 2015. The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to issue tax credits authorized prior to August 28, 2015, or a taxpayer's ability to redeem such tax credits.”; and

Further amend said bill, pages 115-119, section 135.600, by striking all of said section and inserting in lieu thereof the following:

“135.600. 1. As used in this section, the following terms shall mean:

(1) “Contribution”, a donation of cash, stock, bonds or other marketable securities, or real property;

(2) “Maternity home”, a residential facility located in this state established for the purpose of providing housing and assistance to pregnant women who are carrying their pregnancies to term, and which is exempt from income taxation under the United States Internal Revenue Code;

(3) “State tax liability”, in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, chapter 147, chapter 148, and chapter 153, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143;

(4) “Taxpayer”, a person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, including any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, or an individual subject to the state income tax imposed by the

provisions of chapter 143.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a maternity home.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a maternity home or homes in such taxpayer's taxable year has a value of at least one hundred dollars.

5. The director of the department of social services shall determine, at least annually, which facilities in this state may be classified as maternity homes. The director of the department of social services may require of a facility seeking to be classified as a maternity home whatever information is reasonably necessary to make such a determination. The director of the department of social services shall classify a facility as a maternity home if such facility meets the definition set forth in subsection 1 of this section.

6. The director of the department of social services shall establish a procedure by which a taxpayer can determine if a facility has been classified as a maternity home, and by which such taxpayer can then contribute to such maternity home and claim a tax credit. Maternity homes shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to maternity homes in any one fiscal year shall not exceed two million dollars.

7. The director of the department of social services shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director of the department of social services, the cumulative amount of tax credits are equally apportioned among all facilities classified as maternity homes. If a maternity home fails to use all, or some percentage to be determined by the director of the department of social services, of its apportioned tax credits during this predetermined period of time, the director of the department of social services may reapportion these unused tax credits to those maternity homes that have used all, or some percentage to be determined by the director of the department of social services, of their apportioned tax credits during this predetermined period of time. The director of the department of social services may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director of the department of social services shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. This section shall become effective January 1, 2000, and shall apply to all tax years after December 31, 1999.

9. Notwithstanding any provision of law to the contrary, no tax credits provided under this section shall be authorized on or after August 28, 2015. The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to issue tax credits authorized prior to August 28, 2015, or a taxpayer's ability to redeem such tax credits.”; and

Further amend said bill, pages 119-124, section 135.630, by striking all of said section and inserting in lieu thereof the following:

“135.630. 1. As used in this section, the following terms mean:

- (1) “Contribution”, a donation of cash, stock, bonds, or other marketable securities, or real property;
- (2) “Director”, the director of the department of social services;
- (3) “Pregnancy resource center”, a nonresidential facility located in this state:

(a) Established and operating primarily to provide assistance to women with crisis pregnancies or unplanned pregnancies by offering pregnancy testing, counseling, emotional and material support, and other similar services to encourage and assist such women in carrying their pregnancies to term; and

(b) Where childbirths are not performed; and

(c) Which does not perform, induce, or refer for abortions and which does not hold itself out as performing, inducing, or referring for abortions; and

(d) Which provides direct client services at the facility, as opposed to merely providing counseling or referral services by telephone; and

(e) Which provides its services at no cost to its clients; and

(f) When providing medical services, such medical services must be performed in accordance with Missouri statute; and

(g) Which is exempt from income taxation pursuant to the Internal Revenue Code of 1986, as amended;

(4) “State tax liability”, in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148, and 153, excluding sections 143.191 to 143.265 and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, excluding sections 143.191 to 143.265 and related provisions;

(5) “Taxpayer”, a person, firm, a partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, or an individual subject to the state income tax imposed by the provisions of chapter 143, or any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143.

2. For all tax years beginning on or after January 1, 2007, a taxpayer shall be allowed to claim a tax credit against the taxpayer’s state tax liability in an amount equal to fifty percent of the amount such taxpayer contributed to a pregnancy resource center.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer’s state tax liability for the taxable year for which the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed

in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a pregnancy resource center or centers in such taxpayer's taxable year has a value of at least one hundred dollars.

5. The director shall determine, at least annually, which facilities in this state may be classified as pregnancy resource centers. The director may require of a facility seeking to be classified as a pregnancy resource center whatever information which is reasonably necessary to make such a determination. The director shall classify a facility as a pregnancy resource center if such facility meets the definition set forth in subsection 1 of this section.

6. The director shall establish a procedure by which a taxpayer can determine if a facility has been classified as a pregnancy resource center. Pregnancy resource centers shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to pregnancy resource centers in any one fiscal year shall not exceed two million dollars. Tax credits shall be issued in the order contributions are received.

7. The director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all facilities classified as pregnancy resource centers. If a pregnancy resource center fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those pregnancy resource centers that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. Each pregnancy resource center shall provide information to the director concerning the identity of each taxpayer making a contribution to the pregnancy resource center who is claiming a tax credit pursuant to this section and the amount of the contribution. The director shall provide the information to the director of revenue. The director shall be subject to the confidentiality and penalty provisions of section 32.057 relating to the disclosure of tax information.

9. Notwithstanding any other law to the contrary, any tax credits granted under this section may be assigned, transferred, sold, or otherwise conveyed without consent or approval. Such taxpayer, hereinafter the assignor for purposes of this section, may sell, assign, exchange, or otherwise transfer earned tax credits:

- (1) For no less than seventy-five percent of the par value of such credits; and
- (2) In an amount not to exceed one hundred percent of annual earned credits.

10. [Pursuant to section 23.253 of the Missouri sunset act:

(1) Any new program authorized under this section shall automatically sunset six years after August 28, 2006, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which a program authorized under this section is sunset.] **Pursuant to section 23.253 of the Missouri sunset act, the provisions of the program authorized under this section are hereby reauthorized and shall automatically sunset on August 28, 2015.**"; and

Further amend the title and enacting clause accordingly.

Senator Lamping moved that the above amendment be adopted, which motion prevailed.

Senator Kraus offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 116 and 316, Page 290, Section 620.2015, Line 9, by inserting immediately after the word "under" the following:

"subsection 2 of"; and further amend line 11, by striking the word "the"; and further amend lines 12-13, by striking all of said lines and inserting in lieu thereof the following: **"one hundred percent of the withholding tax from full-time jobs that would otherwise be"**; and further amend line 15, by inserting immediately after "143.265," the following: **"for a period of ten years"**; and

Further amend said bill and section, page 294, line 12, by striking the words "subdivision (5) of subsection 3" and inserting in lieu thereof the following **"subsection 7"**; and further amend line 13 by striking "620.2010" and inserting in lieu thereof the following **"620.2020"**.

Senator Kraus moved that the above amendment be adopted, which motion prevailed.

Senator Stouffer offered **SA 13**, which was read:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 116 and 316, Pages 162-165, Section 136.055, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Stouffer moved that the above amendment be adopted, which motion failed.

Senator Ridgeway offered **SA 14**, which was read:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 116 and 316, Page 158, Section 135.1513, Line 17, by inserting at the end of said line the following: **"and"**; and further amend said section, page 159, lines 1-7, by striking all of said lines from the bill and inserting in lieu thereof the following: **"January 1, 2013."**

Senator Ridgeway moved that the above amendment be adopted, which motion failed.

Senator Lager offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House

Bill Nos. 116 and 316, Page 208, Section 253.550, Line 19, by inserting immediately after “253.559.” the following: **“The limitations provided under this subsection shall not apply to applications approved under the provisions of subsection 3 of section 253.559 for projects to receive less than two hundred seventy-five thousand dollars in tax credits.”**; and

Further amend said bill and section, page 209, line 7, by inserting immediately after “2011;” the following: **“or”**; and further amend lines 8-10, by striking all of said lines and renumbering the remaining subdivision accordingly.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Schaefer offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 116 & 316, Pages 85-89, Section 135.352, by striking all of said section from the bill and inserting in lieu thereof the following:

“135.352. 1. A taxpayer owning an interest in a qualified Missouri project shall, subject to the limitations provided under the provisions of subsection 3 of this section, be allowed a state tax credit, whether or not allowed a federal tax credit, to be termed the Missouri low-income housing tax credit, if the commission issues an eligibility statement for that project.

2. For qualified Missouri projects placed in service after January 1, 1997, the Missouri low-income housing tax credit available to a project shall be such amount as the commission shall determine is necessary to ensure the feasibility of the project, up to an amount equal to the federal low-income housing tax credit for a qualified Missouri project, for a federal tax period, and such amount shall be subtracted from the amount of state tax otherwise due for the same tax period. **No more than one hundred million dollars in tax credits provided under sections 135.350 to 135.363 shall be authorized in any fiscal year beginning on or after July 1, 2011.**

3. No more than six million dollars in tax credits shall be authorized each fiscal year for projects financed through tax-exempt bond issuance. **No tax credits shall be authorized after June 30, 2011, for projects financed through tax-exempt bond issuance.**

4. The Missouri low-income housing tax credit shall be taken against the taxes and in the order specified pursuant to section 32.115. The credit authorized by this section shall not be refundable. Any amount of credit that exceeds the tax due for a taxpayer's taxable year may be carried back to any of the taxpayer's three prior taxable years or carried forward to any of the taxpayer's five subsequent taxable years. **For projects authorized on or after July 1, 2011, any amount of credit that exceeds the tax due for a taxpayer's taxable year may be carried forward to any of the taxpayer's five subsequent taxable years but shall not be carried back to any of the taxpayer's previous taxable years.**

5. All or any portion of Missouri tax credits issued in accordance with the provisions of sections 135.350 to 135.362 may be allocated to parties who are eligible pursuant to the provisions of subsection 1 of this section. Beginning January 1, 1995, for qualified projects which began on or after January 1, 1994, an owner of a qualified Missouri project shall certify to the director the amount of credit allocated to each taxpayer. The owner of the project shall provide to the director appropriate information so that the low-income housing tax credit can be properly allocated.

6. In the event that recapture of Missouri low-income housing tax credits is required pursuant to subsection 2 of section 135.355, any statement submitted to the director as provided in this section shall include the proportion of the state credit required to be recaptured, the identity of each taxpayer subject to the recapture and the amount of credit previously allocated to such taxpayer.

7. A taxpayer that receives tax credits under the provisions of sections 253.545 to 253.559 shall be ineligible to receive tax credits under the provisions of sections 135.350 to 135.363 for the same project.

8. The director of the department may promulgate rules and regulations necessary to administer the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

9. Notwithstanding any provision of law to the contrary, no tax credits provided under this section shall be authorized on or after August 28, 2019. The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to issue tax credits authorized prior to August 28, 2019, or a taxpayer's ability to redeem such tax credits.”; and

Further amend said bill, pages 94-95, section 135.481, by striking all of said section of the bill; and

Further amend said bill, page 96, section 135.484, lines 11-18, by striking all of the underlined language on said lines; and

Further amend said bill and section, page 97, line 1, by striking all of the opening and closing brackets and underlined language on said line; and further amend line 18, by striking “August 28, 2014” and inserting in lieu thereof the following: “**July 1, 2011**”; and further amend line 21, by striking “August 28, 2014” and inserting in lieu thereof the following: “**July 1, 2011**”; and

Further amend said bill, section 208.770, page 205, line 3 by inserting after all of said line the following:

“215.020. 1. There is hereby created and established as a governmental instrumentality of the state of Missouri the “Missouri Housing Development Commission” which shall constitute a body corporate and politic.

2. The commission shall consist of the governor, lieutenant governor, the state treasurer, the state attorney general, and six members to be selected by the governor, with the advice and consent of the senate. The persons to be selected by the governor shall be individuals knowledgeable in the areas of housing, finance or construction. Not more than four of the members appointed by the governor shall be from the same political party. The members of the commission appointed by the governor shall serve the following terms: Two shall serve two years, two shall serve three years, and two shall serve four years, respectively. Thereafter, each appointment shall be for a term of four years. If for any reason a vacancy occurs, the governor, with the advice and consent of the senate, shall appoint a new member to fill the unexpired term. Members are eligible for reappointment.

3. Six members of the commission shall constitute a quorum. No vacancy in the membership of the commission shall impair the right of a quorum to exercise all the rights and perform all the duties of the commission. No action shall be taken by the commission except upon the affirmative vote of at least six of the members of the commission.

4. Each member of the commission appointed by the governor is entitled to compensation of fifty

dollars per diem plus his reasonable and necessary expenses actually incurred in discharging his duties under sections 215.010 to 215.250.

5. The employment of an executive director or chief executive officer by the commission, including the executive director or chief executive officer serving in such capacity on the effective date of this act, shall be subject to the advice and consent of the senate in the same manner as an appointment subject to the provisions of Article IV, Section 51 of the Missouri Constitution.”; and

Further amend said bill, page 305, section 660.055, line 26, by inserting immediately after all of said line the following:

“Section 1. An insurance company claiming a state premium tax credit or deduction shall not be required to pay any additional retaliatory tax levied pursuant to section 375.916 as a result of claiming such credit or deduction.”; and

Further amend the title and enacting clause accordingly.

Senator Schaefer moved that the above amendment be adopted.

Senator Purgason offered **SA 1** to **SA 16**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 16

Amend Senate Amendment No. 16 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 116 and 316, Page 3, Section 135.352, Line 17, by striking “2019” and inserting in lieu thereof the following: **“2015”**; and further amend line 19 by striking “2019” and inserting in lieu thereof the following: **“2015”**.

Senator Purgason moved that the above amendment be adopted, which motion prevailed.

SA 16, as amended, was again taken up.

Senator Schaefer moved that the above amendment be adopted, which motion prevailed.

Senator Mayer offered **SA 17**, which was read:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 116 and 316, Pages 165-167, Section 137.1018, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Mayer moved that the above amendment be adopted, which motion prevailed.

Senator Purgason moved that **SS** for **SCS** for **HCS** for **HBs 116** and **316**, as amended, be adopted, which motion prevailed.

Senator Purgason moved that **SS** for **SCS** for **HCS** for **HBs 116** and **316**, as amended, be read the 3rd time and passed and was recognized to close.

President Pro Tem Mayer referred **SS** for **SCS** for **HCS** for **HBs 116** and **316**, as amended, to the Committee on Ways and Means and Fiscal Oversight.

President Pro Tem Mayer assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS** for **SS** for **HCS** for **HB 193**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

Senator Kehoe assumed the Chair.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 27, 2011

TO THE SECRETARY OF THE SENATE
96TH GENERAL ASSEMBLY
FIRST REGULAR SESSION
STATE OF MISSOURI

Herewith I return to you House Committee Substitute for Senate Bill No. 161 entitled:

AN ACT

To repeal sections 273.327, 273.345, 348.400, 348.407, and 348.412, RSMo, and sections 273.327, 273.345, 273.347, and 1 as truly agreed to and finally passed by or as enacted by senate substitute for senate committee substitute for senate bills nos. 113 & 95, the ninety-sixth general assembly, first regular session, and to enact in lieu thereof seven new sections relating to agriculture, with penalty provisions and an emergency clause for certain sections.

On April 27, 2011, I approved said House Committee Substitute for Senate Bill No. 161.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

REFERRALS

President Pro Tem Mayer referred **HJR 29** and **HJR 6** to the Committee on Ways and Means and Fiscal Oversight.

RESOLUTIONS

Senator Goodman offered Senate Resolution No. 941, regarding the late Lloyd Presley, Branson, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Justus introduced to the Senate, Nicholas Gold, Colorado.

Senator Justus introduced to the Senate, Matthew Grimaldi, Kansas City; and Matthew was made an honorary page.

Senator Richard introduced to the Senate, his wife, Patty, Gwen Delano, Jacci Pim, Peggy Fuller, Joyce Masters and Sonya Nagle, Joplin; Kit Brothers and Suzie Ramsour, Webb City; and Judy Opel and Cheryl

Broyles, Jefferson City.

Senator Chappelle-Nadal introduced to the Senate, Claire Glasspiegel, Hartford, Connecticut.

Senator Lamping introduced to the Senate, Erin Royals, Kansas City.

Senator Stouffer introduced to the Senate, students from Tri-County Christian School, Macon.

Senator Richard introduced to the Senate, Principal Rory Mauschbaugh, staff and eleven eighth grade students from Everton Middle School.

Senator Mayer introduced to the Senate, the Physician of the Day, Dr. Gene Leroux, M.D., Doniphan.

Senator McKenna introduced to the Senate, Marilyn Kraemer and one hundred nineteen fourth grade students from Antonia Elementary School, Imperial.

Senator Kehoe introduced to the Senate, representatives of Missouri Electric Cooperatives.

Senator Stouffer introduced to the Senate, students from Wentworth Military Academy, Lexington.

Senator Pearce introduced to the Senate, Christy Garnett, Independence; Holly Bennett, Blue Springs; Kimberly Holger and Janet West, Holden; David Leehy, Kingsville; and Lisa Thomas, Pleasant Hill; representatives of NEA.

Senator Richard introduced to the Senate, Kim Dunlap, Caryn Deckard, Beverly Carpenter, Barbara Long, parents and twenty-eight fifth grade students from McKinley Elementary School, Joplin.

Senator Dixon introduced to the Senate, Staff Ambassadors from Missouri State University, Springfield.

Senator Pearce introduced to the Senate, Mrs. Danielle Roach, Mrs. Kim Gibler, Mrs. Annette Leathers, Mrs. Windy Crawford and students Travis Crawford, Kaylie Roach, Gabe Fisher, Kayden Sweet, Jill Grosshart and Kara Fisher, Training Center Christian School, Garden City.

Senator Mayer introduced to the Senate, Assistant Principal Sheldon Tyler, President Megan Richardson, Caroline Penney, Landon Jones, Drew Dye, Mallory Robertson, Skyler Kinsey, Mary Payne, Clinton Summers, Austin McWilliams, Andy Whitworth and Parker Smith, representatives of Poplar Bluff Teenage Republicans.

Senator Lager introduced to the Senate, students from Rockport School District.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-NINTH DAY—THURSDAY, APRIL 28, 2011

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 579

HCS for HB 366

HCS for HBs 600, 337 & 413

HCS for HB 161

HCS for HB 523

HCS for HB 473

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna (In Fiscal Oversight)
 SB 204-Dempsey, et al (In Fiscal Oversight)

SCS for SB 122-Schaaf (In Fiscal Oversight)
 SJR 12-Green (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 260-Wasson, with SCS
2. SB 425-Goodman, with SCS
3. SB 400-Kraus, with SCS
4. SB 392-Rupp, with SCS
5. SB 403-Nieves
6. SB 329-Nieves
7. SB 353-Engler
8. SJR 16-Goodman, with SCS

9. SB 391-Lager
10. SB 253-Callahan and Cunningham, with SCS
11. SB 223-Mayer
12. SB 119-Schaefer
13. SB 150-Munzlinger
14. SB 84-Wright-Jones
15. SB 45-Wright-Jones
16. SB 14-Pearce, with SCS

HOUSE BILLS ON THIRD READING

1. HJR 2-McGhee, et al (Goodman)
 (In Fiscal Oversight)
2. HCS for HBs 112 & 285, with SCS (Brown)
3. HCS for HB 197, with SCA 1
4. HCS for HB 143 (Goodman)
5. HJR 29-Solon, et al (Munzlinger)
 (In Fiscal Oversight)
6. HB 282-Franz, with SCS (Crowell)
7. HB 499-Wells, et al (Wasson)
8. HCS for HB 70 (Goodman)
9. HB 199-Kelley, et al (Parson)
10. HB 256-Cox, et al, with SCS
11. HB 260-Cox, et al
12. HCS for HB 214, with SCS

13. HCS for HB 641, with SCS
14. HCS#2 for HB 609, with SCS (Wasson)
15. HCS for HBs 294, 123, 125, 113, 271
 & 215, with SCS (Munzlinger)
16. HCS for HB 315 (Cunningham)
17. HB 361-Leara
18. HB 648-Montecillo (Rupp)
19. HJR 6-Cierpiot, et al (In Fiscal Oversight)
20. HCS for HB 336
21. HB 340-Klippenstein, et al
22. HCS for HB 545, with SCS (Schaaf)
23. HB 190-Ruzicka (Brown)
24. HCS for HB 250, with SCS
25. HB 101-Loehner, with SCS (Cunningham)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SS for SB 231-Lager

SENATE BILLS FOR PERFECTION

SBs 1 & 206-Ridgeway, with SCS & SA 1
(pending)

SBs 7, 5, 74 & 169-Goodman, with SCS

SB 10-Rupp

SB 23-Keaveny, with SCS & SS for SCS
(pending)

SB 25-Schaaf, with SCS & SS for SCS
(pending)

SB 28-Brown

SB 37-Lembke, with SCS

SB 52-Cunningham

SB 72-Kraus, with SS (pending)

SBs 88 & 82-Schaaf, with SCS & SA 1 (pending)

SB 120-Stouffer, with SS (pending)

SB 130-Rupp, with SCS & SS for SCS (pending)

SB 155-Rupp, with SCS

SB 175-Munzlinger, et al, with SA 1 (pending)

SB 176-Munzlinger, et al

SBs 189, 217, 246, 252 & 79-Schmitt, with SCS

SB 200-Crowell

SB 203-Schmitt, et al, with SS (pending)

SB 208-Lager

SB 209-Lager

SB 228-Pearce

SB 242-Cunningham, with SCS & SS for SCS
(pending)

SB 247-Pearce, with SS (pending)

SB 264-Rupp, with SCS

SB 278-Munzlinger, et al

SB 280-Purgason, et al, with SCS & SS
for SCS (pending)

SBs 291, 184 & 294-Pearce, with SCS & SA 4
(pending)

SB 299-Munzlinger, with SCS (pending)

SB 326-Wasson

SBs 369 & 370-Cunningham, with SCS

SB 390-Schmitt, et al

SBs 408 & 80-Crowell, with SCS

SB 420-Mayer, with SCS

SJR 11-Munzlinger, with SCS

SJR 15-Nieves, et al, with SS (pending)

HOUSE BILLS ON THIRD READING

HCS for HB 61

HB 71-Nasheed, et al

SS for SCS for HCS for HBs 73 & 47
(Crowell) (In Fiscal Oversight)

SS for SCS for HCS for HBs 116 & 316
(Purgason) (In Fiscal Oversight)

SS for SCS for HB 137-Thompson, et al
(Pearce) (In Fiscal Oversight)

HB 204-Hoskins, et al (Stouffer)

HCS for HB 338 (Lager)

HB 339-Pollock, et al, with SS (pending)
(Lager)

HB 442-Franz (Parson)

HCS for HB 556

HB 738-Nasheed, et al, with SCS (pending)
(Cunningham)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 68-Mayer, with HCS, as amended

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 2, with SCS (Schaefer)	HCS for HB 8, with SCS (Schaefer)
HCS for HB 3, with SCS (Schaefer)	HCS for HB 9, with SCS (Schaefer)
HCS for HB 4, with SCS (Schaefer)	HCS for HB 10, with SCS (Schaefer)
HCS for HB 5, with SCS (Schaefer)	HCS for HB 11, with SCS (Schaefer)
HCS for HB 6, with SCS (Schaefer)	HCS for HB 12, with SCS (Schaefer)
HCS for HB 7, with SCS, as amended (Schaefer)	HCS for HB 13, with SCS (Schaefer)

RESOLUTIONS

Reported from Committee

SR 179-Purgason	HCR 11-Nolte, et al (Justus)
HCR 15-Brown (50), et al (Curls)	HCR 34-Hampton, et al (Munzlinger)

To be Referred

HCR 32-Bernskoetter (Kehoe)	HCR 46-Nolte, et al
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Journal of the Senate

FIRST REGULAR SESSION

FIFTY-NINTH DAY—THURSDAY, APRIL 28, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The present moment holds infinite riches, but you will only enjoy them to the extent of your faith and love.” (Jean-Pierre De Caussade)

Loving Father, this day holds many things for us to think about and to act upon and we will be busy with many distractions; but we would ask that after they are completed, You would help us shift our minds and hearts to more meaningful pursuits and loving people. Help us use this weekend for enriching our souls and drawing closer to our families as we make time for what we truly need. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

REPORTS OF STANDING COMMITTEES

Senator Purgason, Chairman of the Committee on Ways and Means and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Ways and Means and Fiscal Oversight, to which were referred **SCS** for **SB 122**; **SS** for **SCS** for **HCS** for **HBs 73** and **47**, as amended; **HJR 2**; and **SJR 12**, begs leave to report that it has considered the same and recommends that the bills and joint resolutions do pass.

THIRD READING OF SENATE BILLS

SCS for **SB 122**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 122**

An Act to repeal section 354.535, RSMo, and to enact in lieu thereof three new sections relating to health insurance.

Was taken up by Senator Schaaf.

On motion of Senator Schaaf, **SCS** for **SB 122** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Crowell	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senator Chappelle-Nadal—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaaf, title to the bill was agreed to.

Senator Schaaf moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SJR 12, introduced by Senator Green, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to term limits.

Was taken up.

On motion of Senator Green, **SJR 12** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Curls	Dempsey	Dixon	Engler
Green	Justus	Keaveny	Kehoe	Lager	Lamping	Lembke	Mayer
McKenna	Munzlinger	Parson	Pearce	Purgason	Richard	Ridgeway	Rupp
Schaaf	Schaefer	Stouffer	Wasson	Wright-Jones—29			

NAYS—Senators

Cunningham	Goodman	Kraus	Nieves—4
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Absent—Senator Schmitt—1

Absent with leave—Senators—None

Vacancies—None

The President declared the joint resolution passed.

On motion of Senator Green, title to the joint resolution was agreed to.

Senator Green moved that the vote by which the joint resolution passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Crowell moved that **SS** for **SCS** for **HCS** for **HBs 73** and **47**, as amended, be called from the Informal Calendar and taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HCS** for **HBs 73** and **47**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Crowell	Cunningham	Dempsey	Dixon	Engler	Goodman
Green	Kehoe	Kraus	Lager	Lamping	Lembke	Mayer	McKenna
Munzlinger	Nieves	Parson	Pearce	Purgason	Richard	Ridgeway	Rupp
Schaaf	Schaefer	Schmitt	Stouffer	Wasson—29			

NAYS—Senators

Chappelle-Nadal	Curls	Justus	Keaveny	Wright-Jones—5
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

At the request of Senator Goodman, **HJR 2** was placed on the Informal Calendar.

At the request of Senator Brown, **HCS** for **HBs 112** and **285**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 197**, with **SCA 1**, entitled:

An Act to amend chapter 191, RSMo, by adding thereto two new sections relating to cord blood banking.

Was taken up by Senator Lembke.

SCA 1 was taken up.

Senator Pearce assumed the Chair.

Senator Lembke moved that the above committee amendment be adopted, which motion prevailed.

On motion of Senator Lembke, **HCS** for **HB 197**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Lembke, title to the bill was agreed to.

Senator Lembke moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

At the request of Senator Goodman, **HCS** for **HB 143** was placed on the Informal Calendar.

At the request of Senator Crowell, **HB 282**, with **SCS**, was placed on the Informal Calendar.

HB 499, introduced by Representative Wells, et al, entitled:

An Act to repeal section 302.291, RSMo, and to enact in lieu thereof one new section relating to driver's license competency assessment, with an existing penalty provision.

Was taken up by Senator Wasson.

On motion of Senator Wasson, **HB 499** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HCS for **HB 70**, entitled:

An Act to repeal section 230.220, RSMo, and to enact in lieu thereof one new section relating to county highway commissions.

Was taken up by Senator Goodman.

On motion of Senator Goodman, **HCS** for **HB 70** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson
Wright-Jones—33							

NAYS—Senator Ridgeway—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HB 199, introduced by Representative Kelley (126), et al, entitled:

An Act to repeal section 577.023, RSMo, and to enact in lieu thereof one new section relating to community service requirements for intoxication-related traffic offenses, with existing penalty provisions.

Was taken up by Senator Parson.

On motion of Senator Parson, **HB 199** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Parson, title to the bill was agreed to.

Senator Parson moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HB 256, with **SCS**, introduced by Representative Cox, et al, entitled:

An Act to repeal section 477.650, RSMo, and to enact in lieu thereof one new section relating to the basic civil legal services fund.

Was taken up by Senator Goodman.

SCS for **HB 256**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 256

An Act to repeal section 477.650, RSMo, and to enact in lieu thereof one new section relating to the basic civil legal services fund.

Was taken up.

Senator Goodman moved that **SCS** for **HB 256** be adopted, which motion prevailed.

On motion of Senator Goodman, **SCS** for **HB 256** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Senator Lager moved that **HB 339**, with **SS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **HB 339** was again taken up.

At the request of Senator Lager, **HB 339**, with **SS** (pending), was placed on the Informal Calendar.

HB 260, introduced by Representative Cox, et al, entitled:

An Act to repeal sections 210.844, 454.850, 454.853, 454.855, 454.857, 454.860, 454.862, 454.865, 454.867, 454.869, 454.871, 454.874, 454.877, 454.880, 454.882, 454.885, 454.887, 454.890, 454.892, 454.895, 454.897, 454.900, 454.902, 454.905, 454.907, 454.910, 454.912, 454.915, 454.917, 454.920, 454.922, 454.927, 454.930, 454.932, 454.934, 454.936, 454.938, 454.941, 454.943, 454.946, 454.948, 454.951, 454.953, 454.956, 454.958, 454.961, 454.963, 454.966, 454.968, 454.971, 454.973, 454.976, 454.978, 454.981, 454.983, 454.986, 454.989, 454.991, 454.993, 454.995, and 454.999, RSMo, and to enact in lieu thereof eighty new sections relating to the uniform interstate family support act.

Was taken up by Senator Justus.

On motion of Senator Justus, **HB 260** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
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Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Justus, title to the bill was agreed to.

Senator Justus moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HCS for HB 214, with **SCS**, entitled:

An Act to repeal sections 566.200, 566.203, 566.206, 566.209, 566.212, 566.213, 566.218, and 566.223, RSMo, and to enact in lieu thereof eight new sections relating to human trafficking, with penalty provisions.

Was taken up by Senator Goodman.

SCS for HCS for HB 214, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 214

An Act to repeal sections 566.200, 566.203, 566.206, 566.209, 566.212, 566.213, 566.218, and 566.223, RSMo, and to enact in lieu thereof eight new sections relating to human trafficking, with penalty provisions.

Was taken up.

Senator Goodman moved that **SCS for HCS for HB 214** be adopted, which motion prevailed.

On motion of Senator Goodman, **SCS for HCS for HB 214** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Senator Lager moved that **HB 339**, with **SS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **HB 339** was again taken up.

Senator Ridgeway offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 339, Page 4, Section 392.460, Lines 24-28 of said page, by striking all of said lines and inserting in lieu thereof the following: “**providing local voice service there, and either:**

(1) The owner or developer requests in writing that the local exchange carrier make local voice service available to occupants of the real property and the owner or developer confirms in writing that all conditions described in subsections 3 and 5 of this section have ceased to exist at the property; or

(2) A petition is submitted to the local exchange carrier by at least fifty percent plus one of the residents of the real property requesting that the local exchange carrier make local voice service available to the residents and the petition confirms in writing that all conditions described in subsections 3 and 5 of this section have ceased to exist at the property; the carrier of last resort obligation under this section shall again”; and

Further amend said bill and section, page 5, line 1 of said page, by striking all of said line; and further amend lines 17-19 of said page, by striking all of said lines and inserting in lieu thereof the following: “**carrier shall have a reasonable period of time, but not to exceed one hundred eighty days, following the request or petition under this subsection to provide local voice service.”; and**

Further amend said bill and section, page 7, line 22 of said page, by inserting after the word “and” the following: “**the portion of**”; and further amend line 24 of said page, by inserting after the word “county” the following: “**that is located in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants**”; and

Further amend said bill and section, page 8, lines 1-8 of said page, by striking all of said lines; and renumbering the remaining subsection accordingly.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Lager moved that **SS** for **HB 339**, as amended, be adopted, which motion prevailed.

On motion of Senator Lager, **SS** for **HB 339**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Lager, title to the bill was agreed to.

Senator Lager moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HB 204, introduced by Representative Hoskins, et al, entitled:

An Act to repeal section 41.950, RSMo, and to enact in lieu thereof two new sections relating to driver's license renewal for military personnel.

Was called from the Informal Calendar and taken up by Senator Stouffer.

On motion of Senator Stouffer, **HB 204** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Senator Ridgeway assumed the Chair.

President Pro Tem Mayer assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Purgason, Chairman of the Committee on Ways and Means and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Ways and Means and Fiscal Oversight, to which was referred **SB 281**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Goodman, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 399**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 44**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Lager, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HB 462**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HCS** for **HB 89**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HCS** for **HB 578**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment,

to which was referred **HB 737**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Schmitt, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following report:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 183**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Ridgeway assumed the Chair.

Senator Mayer, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Catherine Crum-Thompson, Independent, as a member of the Missouri Women's Council;

Also,

Gerard Grimaldi, as a member of the MO HealthNet Oversight Committee;

Also,

Brenda Tinnen, Independent, as a member of the Tourism Commission.

Senator Mayer requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Mayer moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

PRIVILEGED MOTIONS

Senator Mayer moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 68**, as amended, and request the House to recede from its position and take up and pass **SCS** for **SB 68**, which motion prevailed.

REFERRALS

President Pro Tem Mayer referred **HCR 32** and **HCR 46** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 366**, entitled:

An Act to amend chapter 351, RSMo, by adding thereto seventy-nine new sections relating to the Missouri cooperative associations act, with penalty provisions.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 366, Page 4, Section 351.409, Line 19, by inserting after the words “**under the law**” the words “**of this state or**”; and

Further amend said bill, Page 5, Section 351.409, Line 61, by deleting the words “**to non-Missouri entity**”; and

Further amend said bill, Page 5, Section 351.409, Line 62, by deleting the words “**to non-Missouri entity**”; and

Further amend said bill, Page 5, Section 351.409, Line 68, by deleting the words “**out of the state of Missouri**”; and

Further amend said bill, Page 5, Section 351.409, Line 69, by deleting the words “**out of the state of Missouri**”; and

Further amend said bill, Page 5, Section 351.409, Line 71, by deleting the words “**to non-Missouri entity**”; and

Further amend said bill, Page 6, Section 351.409, Line 111, by inserting after all of said line the following:

“351.658. Except as otherwise provided in this chapter, the secretary of state shall charge and collect for:

(1) Filing application for reservation of a corporate name, twenty dollars;

(2) Filing amendment to articles of incorporation or certificate of authority and issuing a certificate of amendment or amended certificate of authority, twenty dollars;

(3) Filing articles of merger or consolidation, twenty-five dollars plus five dollars for each merging or consolidating Missouri corporation or foreign corporation authorized to do business in Missouri over two in number;

(4) Filing articles of dissolution, twenty dollars; filing articles of liquidation, twenty dollars;

(5) Filing of revocation of articles of dissolution, twenty dollars;

(6) Filing of restated articles of incorporation, twenty dollars;

(7) Filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal, twenty dollars;

(8) Filing statement of change of address of registered office or change of registered agent, or both, five dollars;

(9) Filing resignation of registered agent, five dollars;

(10) Certified copy of corporate record, in a written format fifty cents per page plus five dollars for certification, or in an electronic format five dollars for certification and copies;

(11) Furnishing certificate of corporate existence, five dollars;

(12) Furnishing certificate--others, twenty dollars;

(13) Filing evidence of merger by a foreign corporation, twenty dollars plus one dollar for each additional foreign corporation authorized to do business in Missouri over two;

(14) Filing evidence of dissolution by a foreign corporation, twenty dollars;

(15) Filing certificate of conversion to a corporation under section 351.408, fifty-three dollars;

(16) Filing certificate of conversion from a corporation under section 351.409, fifty dollars.”; and

Further amend said bill, Page 11, Section 351.1021, Lines 1 and 2 by deleting all of said lines and inserting in lieu thereof the following:

“351.1021. Upon notification that a filing by a cooperative has been made in error and receipt of a court order directing him or her to do so, the secretary of state shall revoke the erroneous filing and authorize a”; and

Further amend said bill, Page 65, Section 351.1225, Line 3, by inserting after all of said line the following:

“351.1227. The secretary of state shall have further power and authority as is reasonably necessary to enable the secretary of state to administer this chapter efficiently and to perform the duties therein imposed upon the secretary of state. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.”; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 17**, entitled:

An Act to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2011 and ending June 30, 2013.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 18**, entitled:

An Act to appropriate money for purposes for the several departments and offices of state government; for the purchase of equipment; for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements; and for the payment

of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the fiscal period beginning July 1, 2011 and ending June 30, 2013.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 21**, entitled:

An Act to appropriate money for purposes for the several departments and offices of state government; for the purchase of equipment; for planning, expenses, and for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems; for grants, refunds, distributions, planning, expenses, and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions; and to transfer money among certain funds, from the funds designated for the fiscal period beginning July 1, 2011 and ending June 30, 2013.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 22**, entitled:

An Act to appropriate money for purposes for the several departments and offices of state government; for planning and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions; to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the fiscal period beginning July 1, 2011 and ending June 30, 2012.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 12**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

RESOLUTIONS

Senator Green offered Senate Resolution No. 942, regarding Marty Rudloff, Bellefontaine Neighbors, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Lamping introduced to the Senate, teachers, parents and fourth grade students from Maplewood Richmond Heights Elementary School.

Senator Nieves introduced to the Senate, Lisa Marie Tihen and her children, Emma, William and Anna; and Susan Bailey and her daughter, Jessica, Homeschoolers from Washington; and Emma and William were made honorary pages.

Senator Rupp introduced to the Senate, Allyse Pagano, Troy.

Senator Lager introduced to the Senate, fourth grade students from King City Elementary School.

Senator McKenna introduced to the Senate, Becky Jarvis and twenty students from Antonia Middle School, Imperial.

Senator Lembke introduced to the Senate, Ken Storm, Jefferson County.

Senator Goodman introduced to the Senate, Gary, Pat, Steve and Raeanne Presley, David Drennon and Deanna Presley-Drennon, Branson.

Senator Dixon introduced to the Senate, third grade students from Summit Preparatory School, Springfield.

Senator Brown introduced to the Senate, Mrs. Dvorak, Mr. Klaffer, parents and thirty-eight fourth grade students from Jonesburg Elementary School.

Senator Dempsey introduced to the Senate, Kimberly Poppitz, parents and seventh grade students from Zion Lutheran School, St. Charles.

Senator Kehoe introduced to the Senate, Debbie Cornell and students, Austin King, Josh Cooper, Isiah Davis, Ieshia Hite, VerShawn Edwards and KeShon McCray, Jefferson City Academic Center.

Senator Crowell introduced to the Senate, Teri Jones and ninety fourth grade students from Clippard Elementary School, Cape Girardeau.

Senator Kehoe introduced to the Senate, the Physician of the Day, Dr. Karl Haake, M.D., Jefferson City.

On motion of Senator Dempsey, the Senate adjourned until 9:00 a.m., Friday, April 29, 2011.

SENATE CALENDAR

SIXTIETH DAY–FRIDAY, APRIL 29, 2011

FORMAL CALENDAR**HOUSE BILLS ON SECOND READING**

HCS for HB 562
HCS for HB 664
HCS for HB 579

HCS for HB 366
HCS for HBs 600, 337 & 413
HCS for HB 161

HCS for HB 523
HCS for HB 473
HCS for HB 17

HCS for HB 18
HCS for HB 21
HCS for HB 22

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna
(In Fiscal Oversight)

SB 204-Dempsey, et al
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 260-Wasson, with SCS
2. SB 425-Goodman, with SCS
3. SB 400-Kraus, with SCS
4. SB 392-Rupp, with SCS
5. SB 403-Nieves
6. SB 329-Nieves
7. SB 353-Engler
8. SJR 16-Goodman, with SCS
9. SB 391-Lager
10. SB 253-Callahan and Cunningham,
with SCS

11. SB 223-Mayer
12. SB 119-Schaefer
13. SB 150-Munzlinger
14. SB 84-Wright-Jones
15. SB 45-Wright-Jones
16. SB 14-Pearce, with SCS
17. SB 281-Kraus
18. SB 399-Kraus
19. SB 44-Wright-Jones

HOUSE BILLS ON THIRD READING

1. HJR 29-Solon, et al (Munzlinger)
(In Fiscal Oversight)
2. HCS for HB 641, with SCS (Goodman)
3. HCS#2 for HB 609, with SCS (Wasson)
4. HCS for HBs 294, 123, 125, 113, 271 & 215,
with SCS (Munzlinger)
5. HCS for HB 315 (Cunningham)
6. HB 361-Leara (Cunningham)
7. HB 648-Montecillo (Rupp)
8. HJR 6-Cierpiot, et al (Cunningham)
(In Fiscal Oversight)

9. HCS for HB 336 (Schmitt)
10. HB 340-Klippenstein, et al
11. HCS for HB 545, with SCS (Schaaf)
12. HB 190-Ruzicka (Brown)
13. HCS for HB 250, with SCS (Stouffer)
14. HB 101-Loehner, with SCS (Cunningham)
15. HB 462-Pollock, with SCS
16. HCS for HB 89, with SCS
17. HCS for HB 578, with SCS
18. HB 737-Redmon and Shumake, with SCS
19. HB 183-Silvey (Kraus)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SS for SB 231-Lager

SENATE BILLS FOR PERFECTION

SBs 1 & 206-Ridgeway, with SCS & SA 1
(pending)
SBs 7, 5, 74 & 169-Goodman, with SCS
SB 10-Rupp
SB 23-Keaveny, with SCS & SS for SCS
(pending)
SB 25-Schaaf, with SCS & SS for SCS
(pending)
SB 28-Brown
SB 37-Lembke, with SCS
SB 52-Cunningham
SB 72-Kraus, with SS (pending)
SBs 88 & 82-Schaaf, with SCS & SA 1
(pending)
SB 120-Stouffer, with SS (pending)
SB 130-Rupp, with SCS & SS for SCS
(pending)
SB 155-Rupp, with SCS
SB 175-Munzlinger, et al, with SA 1
(pending)
SB 176-Munzlinger, et al
SBs 189, 217, 246, 252 & 79-Schmitt,
with SCS

SB 200-Crowell
SB 203-Schmitt, et al, with SS (pending)
SB 208-Lager
SB 209-Lager
SB 228-Pearce
SB 242-Cunningham, with SCS & SS for SCS
(pending)
SB 247-Pearce, with SS (pending)
SB 264-Rupp, with SCS
SB 278-Munzlinger, et al
SB 280-Purgason, et al, with SCS & SS
for SCS (pending)
SBs 291, 184 & 294-Pearce, with SCS &
SA 4 (pending)
SB 299-Munzlinger, with SCS (pending)
SB 326-Wasson
SBs 369 & 370-Cunningham, with SCS
SB 390-Schmitt, et al
SBs 408 & 80-Crowell, with SCS
SB 420-Mayer, with SCS
SJR 11-Munzlinger, with SCS
SJR 15-Nieves, et al, with SS (pending)

HOUSE BILLS ON THIRD READING

HCS for HB 61
HB 71-Nasheed, et al
HCS for HBs 112 & 285, with SCS (Brown)
SS for SCS for HCS for HBs 116 & 316
(Purgason) (In Fiscal Oversight)
SS for SCS for HB 137-Thompson, et al
(Pearce) (In Fiscal Oversight)
HCS for HB 143 (Goodman)

HB 282-Franz, with SCS (Crowell)
HCS for HB 338 (Lager)
HB 442-Franz (Parson)
HCS for HB 556
HB 738-Nasheed, et al, with SCS
(pending) (Cunningham)
HJR 2-McGhee, et al (Goodman)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 366-Goodman, with HCS,
as amended

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 2, with SCS (Schaefer)
HCS for HB 3, with SCS (Schaefer)
HCS for HB 4, with SCS (Schaefer)
HCS for HB 5, with SCS (Schaefer)
HCS for HB 6, with SCS (Schaefer)
HCS for HB 7, with SCS, as amended
(Schaefer)

HCS for HB 8, with SCS (Schaefer)
HCS for HB 9, with SCS (Schaefer)
HCS for HB 10, with SCS (Schaefer)
HCS for HB 11, with SCS (Schaefer)
HCS for HB 12, with SCS (Schaefer)
HCS for HB 13, with SCS (Schaefer)

Requests to Recede or Grant Conference

SCS for SB 68-Mayer, with HCS, as amended
(Senate requests House recede and
pass the bill)

RESOLUTIONS

Reported from Committee

SR 179-Purgason
HCR 15-Brown (50), et al (Curls)
HCR 11-Nolte, et al (Justus)

HCR 34-Hampton, et al (Munzlinger)
SCR 12-Schaaf

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Journal of the Senate

FIRST REGULAR SESSION

SIXTIETH DAY—FRIDAY, APRIL 29, 2011

The Senate met pursuant to adjournment.

Senator Kehoe in the Chair.

RESOLUTIONS

On behalf of Senator Green, Senator Kehoe offered Senate Resolution No. 943, regarding Adam Christopher Stevens, which was adopted.

On behalf of Senator Green, Senator Kehoe offered Senate Resolution No. 944, regarding Caleb Eugene Gibson, which was adopted.

On behalf of Senator Ridgeway, Senator Kehoe offered Senate Resolution No. 945, regarding Jay Stock, Clay County, which was adopted.

HOUSE BILLS ON SECOND READING

At the request of President Pro Tem Mayer, the following Bills were read the 2nd time and referred by Senator Kehoe to the Committees indicated:

HCS for HB 17—Appropriations.

HCS for HB 18—Appropriations.

HCS for HB 21—Appropriations.

HCS for HB 22—Appropriations.

On motion of Senator Kehoe, the Senate adjourned until 3:00 p.m., Monday, May 2, 2011.

SENATE CALENDAR

SIXTY-FIRST DAY—MONDAY, MAY 2, 2011

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 562

HCS for HB 664

HCS for HB 579

HCS for HB 366

HCS for HBs 600, 337 & 413

HCS for HB 161

HCS for HB 523

HCS for HB 473

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna (In Fiscal Oversight)

SB 204-Dempsey, et al (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 260-Wasson, with SCS
2. SB 425-Goodman, with SCS
3. SB 400-Kraus, with SCS
4. SB 392-Rupp, with SCS
5. SB 403-Nieves
6. SB 329-Nieves
7. SB 353-Engler
8. SJR 16-Goodman, with SCS
9. SB 391-Lager
10. SB 253-Callahan and Cunningham,
with SCS

11. SB 223-Mayer
12. SB 119-Schaefer
13. SB 150-Munzlinger
14. SB 84-Wright-Jones
15. SB 45-Wright-Jones
16. SB 14-Pearce, with SCS
17. SB 281-Kraus
18. SB 399-Kraus
19. SB 44-Wright-Jones

HOUSE BILLS ON THIRD READING

1. HJR 29-Solon, et al (Munzlinger)
(In Fiscal Oversight)
2. HCS for HB 641, with SCS (Goodman)
3. HCS#2 for HB 609, with SCS (Wasson)
4. HCS for HBs 294, 123, 125, 113, 271
& 215, with SCS (Munzlinger)
5. HCS for HB 315 (Cunningham)
6. HB 361-Leara (Cunningham)
7. HB 648-Montecillo (Rupp)
8. HJR 6-Cierpiot, et al (Cunningham)
(In Fiscal Oversight)

9. HCS for HB 336 (Schmitt)
10. HB 340-Klippenstein, et al (Schaaf)
11. HCS for HB 545, with SCS (Schaaf)
12. HB 190-Ruzicka (Brown)
13. HCS for HB 250, with SCS (Stouffer)
14. HB 101-Loehner, with SCS (Cunningham)
15. HB 462-Pollock, with SCS
16. HCS for HB 89, with SCS
17. HCS for HB 578, with SCS
18. HB 737-Redmon and Shumake, with SCS
19. HB 183-Silvey (Kraus)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SS for SB 231-Lager

SENATE BILLS FOR PERFECTION

SBs 1 & 206-Ridgeway, with SCS & SA 1
(pending)

SBs 7, 5, 74 & 169-Goodman, with SCS

SB 10-Rupp

SB 23-Keaveny, with SCS & SS for SCS
(pending)

SB 25-Schaaf, with SCS & SS for SCS
(pending)

SB 28-Brown

SB 37-Lembke, with SCS

SB 52-Cunningham

SB 72-Kraus, with SS (pending)

SBs 88 & 82-Schaaf, with SCS & SA 1
(pending)

SB 120-Stouffer, with SS (pending)

SB 130-Rupp, with SCS & SS for SCS
(pending)

SB 155-Rupp, with SCS

SB 175-Munzlinger, et al, with SA 1 (pending)

SB 176-Munzlinger, et al

SBs 189, 217, 246, 252 & 79-Schmitt, with SCS

SB 200-Crowell

SB 203-Schmitt, et al, with SS (pending)

SB 208-Lager

SB 209-Lager

SB 228-Pearce

SB 242-Cunningham, with SCS & SS for SCS
(pending)

SB 247-Pearce, with SS (pending)

SB 264-Rupp, with SCS

SB 278-Munzlinger, et al

SB 280-Purgason, et al, with SCS & SS for SCS
(pending)

SBs 291, 184 & 294-Pearce, with SCS & SA 4
(pending)

SB 299-Munzlinger, with SCS (pending)

SB 326-Wasson

SBs 369 & 370-Cunningham, with SCS

SB 390-Schmitt, et al

SBs 408 & 80-Crowell, with SCS

SB 420-Mayer, with SCS

SJR 11-Munzlinger, with SCS

SJR 15-Nieves, et al, with SS (pending)

HOUSE BILLS ON THIRD READING

HCS for HB 61

HB 71-Nasheed, et al

HCS for HBs 112 & 285, with SCS (Brown)

SS for SCS for HCS for HBs 116 & 316
(Purgason) (In Fiscal Oversight)

SS for SCS for HB 137-Thompson, et al
(Pearce) (In Fiscal Oversight)

HCS for HB 143 (Goodman)

HB 282-Franz, with SCS (Crowell)

HCS for HB 338 (Lager)

HB 442-Franz (Parson)

HJR 2-McGhee, et al (Goodman)

HCS for HB 556

HB 738-Nasheed, et al, with SCS (pending)
(Cunningham)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 366-Goodman, with HCS, as amended

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 2, with SCS (Schaefer)

HCS for HB 8, with SCS (Schaefer)

HCS for HB 3, with SCS (Schaefer)

HCS for HB 9, with SCS (Schaefer)

HCS for HB 4, with SCS (Schaefer)

HCS for HB 10, with SCS (Schaefer)

HCS for HB 5, with SCS (Schaefer)

HCS for HB 11, with SCS (Schaefer)

HCS for HB 6, with SCS (Schaefer)

HCS for HB 12, with SCS (Schaefer)

HCS for HB 7, with SCS, as amended
(Schaefer)

HCS for HB 13, with SCS (Schaefer)

Requests to Recede or Grant Conference

SCS for SB 68-Mayer, with HCS, as amended

(Senate requests House recede and pass the bill)

RESOLUTIONS

Reported from Committee

SR 179-Purgason

HCR 34-Hampton, et al (Munzlinger)

HCR 15-Brown (50), et al (Curls)

SCR 12-Schaaf

HCR 11-Nolte, et al (Justus)

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Journal of the Senate

FIRST REGULAR SESSION

SIXTY-FIRST DAY—MONDAY, MAY 2, 2011

The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

“...I act with steadfast love, justice, and righteousness in the earth, for in these things I delight.” (Jeremiah 9:24b)

Righteous Lord, ten years ago we prayed during special session for Your mercy on those who died violently and for comfort for the families who grieved, and You have answered our prayers. We also prayed that those responsible would be brought to justice and that now has come to completion. So we give You thanks and praise for hearing our cries and that Your justice is made complete through Your people. May we also be those who see Your righteousness and provide justice for Your people here in Missouri. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journals for Thursday, April 28, 2011 and Friday, April 29, 2011 were read and approved.

Senator Dempsey announced that photographers from Missouri New Horizon were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Rupp offered Senate Resolution No. 946, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bill Keck, Silex, which was adopted.

Senator Kehoe offered Senate Resolution No. 947, regarding Mary “Beth” Mertens, Jefferson City, which was adopted.

Senator Crowell offered Senate Resolution No. 948, regarding Cherie L. Worth, Cape Girardeau, which was adopted.

Senators McKenna and Engler offered Senate Resolution No. 949, regarding the death of Staff Sergeant James R. Ide, V, Festus, which was adopted.

Senator Schmitt offered Senate Resolution No. 950, regarding Kathy Bromeier, Saint Louis, which was adopted.

Senator Stouffer offered Senate Resolution No. 951, regarding Kyle Jacob Yardley, which was adopted.

Senator Stouffer offered Senate Resolution No. 952, regarding Ellie Diane Koehly, which was adopted.

Senator Stouffer offered Senate Resolution No. 953, regarding Abigail “Abby” Thompson, which was adopted.

Senator Stouffer offered Senate Resolution No. 954, regarding Drew Alan Dampf, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 955, regarding the death of Barbara Ann (Sullivan) Mangogna, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 956, regarding the death of Harry McClain Allmon, which was adopted.

Senator Pearce offered Senate Resolution No. 957, regarding Laura Burkett, Summerfield, North Carolina, which was adopted.

Senator Pearce offered Senate Resolution No. 958, regarding Timothy Campbell, Olathe, Kansas, which was adopted.

Senator Justus offered Senate Resolution No. 959, regarding Taylor Dukes, Columbia, which was adopted.

Senator Richard offered Senate Resolution No. 960, regarding the Battle of Carthage Sesquicentennial Commemoration, which was adopted.

Senator Engler offered Senate Resolution No. 961, regarding Randy N. Roark, Sr., Grassy, which was adopted.

Senator Engler offered Senate Resolution No. 962, regarding John G. McDowell, which was adopted.

Senator Engler offered Senate Resolution No. 963, regarding Charlotte J. French, Irondale, which was adopted.

Senator Engler offered Senate Resolution No. 964, regarding Noah R. Davis, Irondale, which was adopted.

Senator Engler offered Senate Resolution No. 965, regarding Lynn Clark, which was adopted.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

April 29, 2011

TO THE SECRETARY OF THE SENATE
96TH GENERAL ASSEMBLY
FIRST REGULAR SESSION
STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bill No. 188 entitled:

AN ACT

To repeal sections 213.010, 213.070, 213.101, and 213.111, RSMo, and to enact in lieu thereof five new sections relating to unlawful discriminatory practices.

I disapprove of Senate Committee Substitute for Senate Bill No. 188. My reasons for disapproval are as follows:

The Missouri Human Rights Act provides fundamental protections for individual citizens against discrimination in employment, housing and use of public accommodations. The Act implements the basic belief of Missourians that unfair treatment based on race, color, religion, national origin, sex, ancestry, age, disability or familial status shall not be tolerated and the citizens who have been subjected to such unfair treatment must have a meaningful opportunity to protect their basic civil rights.

Senate Committee Substitute for Senate Bill No. 188 represents a significant retreat from the basic principles of fairness embodied in the Missouri Human Rights Act and erects unacceptable impediments to those victimized by discrimination and seeking to avail themselves of the Act's legal protection. Senate Committee Substitute for Senate Bill No. 188 is characterized by an overarching lack of accountability for discriminatory conduct. Missouri has made important progress, over decades, in insisting its workplaces, public accommodations and housing opportunities are free from discrimination. Senate Committee Substitute for Senate Bill No. 188 would roll back that progress and enfeeble the protections that should, and must, be afforded to Missourians.

Senate Committee Substitute for Senate Bill No. 188 contains provisions that I deem bad public policy and an unacceptable step backward from the protections of the Missouri Human Rights Act, including but not limited to the following:

- **Eliminating individual responsibility for discrimination.** Senate Committee Substitute for Senate Bill No. 188 releases from liability the person who committed the allegedly discriminatory act. For example, a supervisor who fired an employee because of the employee's race; who sexually harassed an employee; or who demoted an employee because of the employee's age could not be held liable under the Missouri Human Rights Act if Senate Committee Substitute for Senate Bill No. 188 became law. That is not acceptable in the State of Missouri. A victimized employee should have the opportunity to hold the victimizer accountable in a court of law.
- **Exempting private clubs from suit.** Under Senate Committee Substitute for Senate Bill No. 188, private clubs that discriminate against their employees could not be sued under the Missouri Human Rights Act. Excusing discrimination based simply on where it occurred is an abhorrent policy, and even more so given the history surrounding these clubs. Discrimination must not be tolerated in any setting.
- **Limiting actual damages.** Senate Committee Substitute for Senate Bill No. 188 establishes compensatory damage caps that are inadequate for persons that have suffered discrimination on the basis of their race, color, religion, national origin, sex, ancestry, age, disability or familial status. Moreover, Senate Committee Substitute for Senate Bill No. 188 limits actual damages in ways that are

more restrictive than federal law. Senate Committee Substitute for Senate Bill No. 188 caps back pay by expressly including it in the damages cap, and Senate Committee Substitute for Senate Bill No. 188 caps front pay, which is a type of equitable relief, through use of the phrase “other equitable relief” in the damages limitation provision. These limitations will reduce the recovery available to victims of discrimination and have a chilling effect on the ability of those persons to bring legal action under the Missouri Human Rights Act.

- **Limiting punitive damages against private companies and prohibiting punitive damages against government.** Senate Committee Substitute for Senate Bill No. 188 limits the amount of punitive damages a person can recover by including punitive damages in the overall damages cap, and Senate Committee Substitute for Senate Bill No. 188 also bars punitive damages against the State or political subdivisions. Enactment of these provisions into law would unfairly and wrongly diminish the accountability of a wrongdoer who discriminates with evil motive or reckless indifference. Furthermore, by prohibiting punitive damages against government, Senate Committee Substitute for Senate Bill No. 188 would have the unfortunate effect of making government less accountable for discriminatory conduct than the private sector. Neither proposition is tenable. Missourians deserve, and the Missouri Human Rights Act should provide, appropriate accountability for such egregious conduct.
- **Limiting the right to a jury trial.** Senate Committee Substitute for Senate Bill No. 188 would limit the right to a jury trial under the Missouri Human Rights Act by instructing Missouri judges to dismiss more employment discrimination cases through summary judgment. Given the significant progress in establishing the right to jury trial under the Missouri Human Rights Act, and considering the fact-intensive nature of these types of cases, it would be a step backward to limit the right to jury trial by statutorily instructing judges to increase the use of summary judgment. It should also be noted that directing Missouri courts to find certain federal judicial decisions and their “progeny” “highly persuasive” is a confusing and misdirected relinquishment of state authority. “Progeny” does not typically include statutory changes. Even if it does, it is unclear whether Senate Committee Substitute for Senate Bill No. 188 directs Missouri courts to look to potential future amendments to the 1991 Civil Rights Act. “Progeny” would also seemingly require Missouri courts to reconcile the myriad of sometimes conflicting judicial decisions handed down by federal district and appellate courts in analyzing a Missouri employment discrimination case. Neither approach would promote judicial efficiency or clarity. Missouri courts should first and foremost look to Missouri law when evaluating a Missouri employment discrimination case.
- **Making Missouri law more restrictive than federal law.** Senate Committee Substitute for Senate Bill No. 188 is more restrictive than federal law in important respects. Unlike federal law, Senate Committee Substitute for Senate Bill No. 188 caps damages for back pay and front pay. Unlike federal law, Senate Committee Substitute for Senate Bill No. 188 prohibits punitive damages against government in housing discrimination claims and prohibits liquidated damages against local government (the equivalent of punitive damages) in age discrimination claims. Unlike federal law, the amount of punitive damages that a plaintiff can recover under Senate Committee Substitute for Senate Bill No. 188 is less than federal law, because a back pay award under Senate Committee Substitute for Senate Bill No. 188 would count toward the damages cap that encompasses punitive damages. And, unlike federal law, Senate Committee Substitute for Senate Bill No. 188 prohibits certain types of relief that are recoverable in an employment discrimination action if one assumes that Senate Committee Substitute for Senate Bill No. 188 establishes a “but for” standard of causation.
- **Jeopardizing federal funding for the Missouri Human Rights Commission.** The Missouri Human Rights Commission enters into work sharing agreements with the federal Equal Employment Opportunity Commission (EEOC) to enforce federal anti-discrimination laws and with the federal Department of Housing and Urban Development (HUD) to enforce the federal Fair Housing Act. Both federal agencies provide funding to the Missouri Human Rights Commission under these agreements. Both the EEOC and HUD have concluded that contracting and funding for enforcement of federal anti-discrimination laws might be jeopardized if the provisions of Senate Committee Substitute for Senate Bill No. 188 that are more restrictive than federal statutes become law. That is a risk that should not be taken. The Missouri Human Rights Commission performs important functions that should not be endangered.
- **Exempting seasonal employers.** Senate Committee Substitute for Senate Bill No. 188 limits liability to those employers that employ persons for each working day for twenty or more calendar weeks in the current or preceding calendar year, which will have the effect of preventing seasonal employers from being accountable for discrimination. Excluding a class of employers solely on this basis would impede the goals of the Missouri Human Rights Act.

In accordance with the above stated reasons for disapproval, I am returning Senate Committee Substitute for Senate Bill No. 188 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY

65102

April 29, 2011

TO THE SECRETARY OF THE SENATE
96TH GENERAL ASSEMBLY
FIRST REGULAR SESSION
STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bill No. 108 entitled:

AN ACT

To repeal section 67.281 as enacted by senate substitute no. 2 for senate committee substitute for house bill no. 103, ninety-fifth general assembly, first regular session, and section 67.281 as enacted by conference committee substitute for senate bill no. 513, ninety-fifth general assembly, first regular session, and to enact in lieu thereof one new section relating to the installation of fire sprinklers in certain dwellings.

On April 29, 2011, I approved said Senate Committee Substitute for Senate Bill No. 108.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY

65102

April 28, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Shane Mecham for the Missouri Head Injury Advisory Council submitted to you on April 1, 2011. Line four should read:

Turnbull, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Mayer referred the above addendum to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 773**, entitled:

An Act to repeal sections 384.015, 384.017, 384.021, 384.043, 384.051, 384.057, and 384.061, RSMo, and to enact in lieu thereof seven new sections relating to the regulation of surplus lines insurance, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HJR 16**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing sections 50 and 52(a) of article III of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to initiative and referendum petitions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 552**, entitled:

An Act to repeal section 208.152, RSMo, and to enact in lieu thereof two new sections relating to the standard of care for the treatment of persons with bleeding disorders.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 787**, entitled:

An Act to repeal sections 143.124, 166.415, 408.052, and 443.812, RSMo, and to enact in lieu thereof four new sections relating to investment transactions, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 597**, entitled:

An Act to amend chapter 442, RSMo, by adding thereto one new section relating to conservation easements.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HJR 27**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 23 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the right

to bear arms.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has receded from its position on **HCS** for **SCS** for **SB 68**, as amended, and has again taken up and passed **SCS** for **SB 68**.

Bill ordered enrolled.

REPORTS OF STANDING COMMITTEES

Senator Purgason, Chairman of the Committee on Ways and Means and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Ways and Means and Fiscal Oversight, to which were referred **SS** for **SCS** for **HB 137**, as amended; **HJR 6**; **SS** for **SCS** for **HCS** for **HBs 116** and **316**, as amended; and **HJR 29**, begs leave to report that it has considered the same and recommends that the bills and joint resolutions do pass.

REFERRALS

President Pro Tem Mayer referred **HCS** for **HB 89**, with **SCS**, to the Committee on Ways and Means and Fiscal Oversight.

HOUSE BILLS ON THIRD READING

Senator Purgason moved that **SS** for **SCS** for **HCS** for **HBs 116** and **316**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Schmitt assumed the Chair.

SS for **SCS** for **HCS** for **HBs 116** and **316**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lamping
Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators

Lager Lembke—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lamping
Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators

Lager Lembke—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Purgason, title to the bill was agreed to.

Senator Purgason moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Senator Pearce moved that **SS** for **SCS** for **HB 137**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HB 137**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
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Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Senator Pearce assumed the Chair.

HJR 29, introduced by Representative Solon, et al, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 39(b) of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the state lottery.

Was taken up by Senator Munzlinger.

Senator Crowell offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Joint Resolution No. 29, Page 2, Section 39 (b), Line 20, by inserting immediately after the word “law.” the following:

“No later than July 1, 2013, the state lottery commission shall develop and begin selling a “Missouri Biodiesel Production Lottery Ticket”, and all net proceeds received from the sales of such tickets shall be appropriated to the agriculture and small business development authority to fund grants for biodiesel production.”.

Senator Crowell moved that the above amendment be adopted.

At the request of Senator Munzlinger, **HJR 29**, with **SA 1** (pending), was placed on the Informal Calendar.

HCS for **HB 641**, with **SCS**, entitled:

An Act to repeal sections 195.010, 195.017, 195.022, 195.202, 195.217, and 578.255, RSMo, and to enact in lieu thereof six new sections relating to controlled substances, with an existing penalty provision.

Was taken up by Senator Goodman.

SCS for **HCS** for **HB 641**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 641

An Act to repeal sections 195.010, 195.017, 195.022, 195.202, and 195.217, RSMo, and to enact in lieu thereof five new sections relating to controlled substances, with an existing penalty provision.

Was taken up.

Senator Goodman moved that **SCS** for **HCS** for **HB 641** be adopted.

Senator Schaefer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 641, Page 1, In the Title, Line 3, by striking the word “controlled” and inserting in lieu thereof the following: “the regulation of certain”; and further amend line 4, by inserting immediately after the word “provision” the following: “and an emergency clause for a certain section”; and

Further amend said bill, page 34, section 195.217, line 8, by inserting after all of said line the following: “196.1003. Requirements.

Any tobacco product manufacturer selling cigarettes to consumers within the State (whether directly or through a distributor, retailer or similar intermediary or intermediaries) after the date of enactment of this Act shall do one of the following:

(a) become a participating manufacturer (as that term is defined in section II(jj) of the Master Settlement Agreement) and generally perform its financial obligations under the Master Settlement Agreement; or

(b) (1) place into a qualified escrow fund by April 15 of the year following the year in question the following amounts (as such amounts are adjusted for inflation)--

1999: \$.0094241 per unit sold after the date of enactment of this Act;

2000: \$.0104712 per unit sold;

for each of 2001 and 2002: \$.0136125 per unit sold;

for each of 2003 through 2006: \$.0167539 per unit sold;

for each of 2007 and each year thereafter: \$.0188482 per unit sold.

(2) A tobacco product manufacturer that places funds into escrow pursuant to paragraph (1) shall receive the interest or other appreciation on such funds as earned. Such funds themselves shall be released from escrow only under the following circumstances--

(A) to pay a judgment or settlement on any released claim brought against such tobacco product manufacturer by the State or any releasing party located or residing in the State. Funds shall be released from escrow under this subparagraph (i) in the order in which they were placed into escrow and (ii) only to the extent and at the time necessary to make payments required under such judgment or settlement;

(B) to the extent that a tobacco product manufacturer establishes that the amount it was required to place into escrow **on account of units sold in the State** in a particular year was greater than the [State’s allocable

share of the total payments that such manufacturer would have been required to make in that year under the Master Settlement Agreement (as determined pursuant to section IX(i)(2) of the Master Settlement Agreement, and before any of the adjustments or offsets described in section IX(i)(3) of that Agreement other than the Inflation Adjustment)] **Master Settlement Agreement payments, as determined under section IX(i) of that Agreement including after final determination of all adjustments, that such manufacturer would have been required to make on account of such units sold** had it been a participating manufacturer, the excess shall be released from escrow and revert back to such tobacco product manufacturer; or

(C) to the extent not released from escrow under subparagraphs (A) or (B), funds shall be released from escrow and revert back to such tobacco product manufacturer twenty-five years after the date on which they were placed into escrow.

(3) Each tobacco product manufacturer that elects to place funds into escrow pursuant to this subsection shall annually certify to the Attorney General that it is in compliance with this subsection. The Attorney General may bring a civil action on behalf of the State against any tobacco product manufacturer that fails to place into escrow the funds required under this section. Any tobacco product manufacturer that fails in any year to place into escrow the funds required under this section shall--

(A) be required within 15 days to place such funds into escrow as shall bring it into compliance with this section. The court, upon a finding of a violation of this subsection, may impose a civil penalty to be paid to the State's general revenue fund in an amount not to exceed 5 percent of the amount improperly withheld from escrow per day of the violation and in a total amount not to exceed 100 percent of the original amount improperly withheld from escrow;

(B) in the case of a knowing violation, be required within 15 days to place such funds into escrow as shall bring it into compliance with this section. The court, upon a finding of a knowing violation of this subsection, may impose a civil penalty to be paid to the State's general revenue fund in an amount not to exceed 15 percent of the amount improperly withheld from escrow per day of the violation and in a total amount not to exceed 300 percent of the original amount improperly withheld from escrow; and

(C) in the case of a second knowing violation, be prohibited from selling cigarettes to consumers within the State (whether directly or through a distributor, retailer or similar intermediary) for a period not to exceed 2 years.

Each failure to make an annual deposit required under this section shall constitute a separate violation. Any tobacco product manufacturer that violates the provisions of this section shall pay the State's cost and attorney's fees incurred during a successful prosecution under this section.

Section B. Because immediate action is necessary to protect the economic welfare of the citizens of this state, the repeal and reenactment of section 196.1003 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 196.1003 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Schaefer moved that the above amendment be adopted.

Senator Lembke raised the point of order that **SA 1** is out of order as it is not germane to the subject matter of the underlying bill.

The point of order was referred to the President Pro Tem.

Senator Lembke raised an additional point of order that **SA 1** is out of order as it goes beyond the scope and title of the bill.

The point of order was referred to the President Pro Tem.

President Pro Tem Mayer ruled the first point of order raised by Senator Lembke well taken, rendering the second point of order moot.

President Kinder assumed the Chair.

Senator Lager assumed the Chair.

Senator Goodman moved that **SCS** for **HCS** for **HB 641** be adopted, which motion prevailed.

On motion of Senator Goodman, **SCS** for **HCS** for **HB 641** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senator Keaveny—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

At the request of Senator Wasson, **HCS No. 2** for **HB 609**, with **SCS**, was placed on the Informal Calendar.

HCS for **HBs 294, 123, 125, 113, 271** and **215**, with **SCS**, entitled:

An Act to repeal sections 407.500, 407.505, 571.020, 571.030, 571.101, 571.107, and 571.117, RSMo, and to enact in lieu thereof eleven new sections relating to firearms, with penalty provisions.

Was taken up by Senator Munzlinger.

SCS for **HCS** for **HBs 294, 123, 125, 113, 271** and **215**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 294, 123, 125, 113, 271 and 215

An Act to repeal sections 50.535, 302.181, 407.500, 407.505, 571.020, 571.030, 571.101, 571.107, and 571.117, RSMo, and to enact in lieu thereof thirteen new sections relating to firearms, with penalty provisions.

Was taken up.

Senator Munzlinger moved that **SCS** for **HCS** for **HBs 294, 123, 125, 113, 271 and 215** be adopted.

Senator Munzlinger offered **SS** for **SCS** for **HCS** for **HBs 294, 123, 125, 113, 271 and 215**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 294, 123, 125, 113, 271 and 215

An Act to repeal sections 50.535, 302.181, 407.500, 407.505, 571.020, 571.030, 571.101, 571.107, and 571.117, RSMo, and to enact in lieu thereof thirteen new sections relating to firearms, with penalty provisions.

Senator Munzlinger moved that **SS** for **SCS** for **HCS** for **HBs 294, 123, 125, 113, 271 and 215** be adopted.

President Pro Tem Mayer assumed the Chair.

At the request of Senator Munzlinger, **HCS** for **HBs 294, 123, 125, 113, 271 and 215**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

Senator Lager assumed the Chair.

HCS for **HB 315**, entitled:

An Act to repeal sections 144.018 and 144.019, RSMo, and section 32.125 as enacted by house substitute for senate bill no. 374, eighty-eighth general assembly, first regular session, section 52.315 as enacted by house committee substitute for senate committee substitute for senate bill no. 497, ninety-fourth general assembly, first regular session, section 67.281 as enacted by conference committee substitute for senate bill no. 513, ninety-fifth general assembly, first regular session, section 67.1305 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 58 merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 210 merged with conference committee substitute for house committee substitute for senate substitute for senate bill no. 343, ninety-third general assembly, first regular session, section 91.055 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house bill no. 450, ninetieth general assembly, first regular session, section 115.348 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 58, ninety-third general assembly, first regular session, section 135.100 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session, section 135.100 as enacted by conference committee substitute for house substitute for house committee substitute for senate bill no. 827,

eighty-ninth general assembly, second regular session, section 135.200 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session, section 135.200 as enacted by conference committee substitute for house committee substitute for senate bill no. 1, eighty-ninth general assembly, second extraordinary session, section 135.200 as enacted by senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 1656, eighty-ninth general assembly, second regular session, section 141.550 as enacted by conference committee substitute for house substitute for house committee substitute for senate committee substitute for senate bill no. 894, ninetieth general assembly, second regular session, section 171.035 as enacted by conference committee substitute for house committee substitute for senate bill no. 376, ninety-fourth general assembly, first regular session, section 171.035 as enacted by house committee substitute for house bill no. 678, ninety-fourth general assembly, first regular session, section 217.777 as enacted by senate committee substitute for senate bill no. 430, eighty-ninth general assembly, first regular session, section 227.381 as enacted by house bill no. 1488, ninety-third general assembly, second regular session, section 228.362 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bill no. 180, eighty-seventh general assembly, first regular session, section 286.060 as enacted by senate committee substitute for house committee substitute for house bills nos. 300 & 95, eighty-eighth general assembly, first regular session, section 301.064 as enacted by house committee substitute for senate substitute for senate bill no. 3, eighty-eighth general assembly, first regular session, section 301.064 as enacted by house bill no. 769, eighty-ninth general assembly, first regular session, section 301.630 as enacted by conference committee substitute for house substitute for house committee substitute for senate bill no. 895, ninety-first general assembly, second regular session, section 304.156 as enacted by senate committee substitute for house bill no. 996 and house bill no. 1142 and house committee substitute for house bill no. 1201 and house bill no. 1489, ninety-second general assembly, second regular session, section 304.678 as enacted by house committee substitute for senate committee substitute for senate bill no. 372, ninety-third general assembly, first regular session, section 321.701 as enacted by conference committee substitute no. 2 for senate substitute no. 2 for house committee substitute for house bills nos. 484, 199 & 72, eighty-eighth general assembly, first regular session, section 321.714 as enacted by senate substitute for senate committee substitute for house committee substitute for house bills nos. 452, 203, 377, 472, 473, 556 & 647, eighty-eighth general assembly, first regular session, section 324.712 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 567, ninety-first general assembly, first regular session, section 335.067 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780, ninety-fourth general assembly, first regular session, section 339.040 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bill no. 754, ninety-fifth general assembly, second regular session, section 361.170 as enacted by house committee substitute for house bill no. 379, ninety-third general assembly, first regular session, section 370.107 as enacted by senate bill no. 318, ninety-third general assembly, first regular session, section 376.1500 as enacted by senate substitute no. 2 for senate committee substitute for house committee substitute for house bill no. 818, ninety-fourth general assembly, first regular session, section 393.906 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house bill no. 450, ninetieth general assembly, first regular session, section 393.921 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house bill no. 450, ninetieth general assembly, first regular session, section 441.236 as enacted by house

substitute for house committee substitute for senate substitute for senate committee substitute for senate bills nos. 89 & 37, ninety-first general assembly, first regular session, section 470.270 as enacted by conference committee substitute for house substitute for house committee substitute for senate substitute for senate bill no. 1248, ninety-first general assembly, second regular session, section 565.082 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 62, ninety-fifth general assembly, first regular session, section 644.031 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house bill no. 450, ninetieth general assembly, first regular session, and section 644.568 as enacted by house substitute for house committee substitute for senate substitute for senate committee substitute for senate bills nos. 160 & 82, ninetieth general assembly, first regular session, and to enact in lieu thereof four new sections for the sole purpose of repealing statutes with multiple versions.

Was taken up by Senator Cunningham.

On motion of Senator Cunningham, **HCS** for **HB 315** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Justus	Keaveny	Kraus	Lager	Lamping	Lembke
Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Richard	Ridgeway
Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senators

Green	Kehoe	Purgason—3
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Callahan moved that motion lay on the table, which motion prevailed.

At the request of Senator Cunningham, **HB 361** was placed on the Informal Calendar.

HB 648, introduced by Representative Montecillo, et al, entitled:

An Act to repeal sections 8.241, 178.900, 189.010, 189.065, 192.005, 198.012, 205.968, 208.151, 208.275, 210.900, 211.202, 211.203, 211.206, 211.207, 402.210, 475.121, 475.355, 476.537, 552.015, 552.020, 552.030, 552.040, 630.003, 630.005, 630.010, 630.097, 630.120, 630.165, 630.183, 630.192, 630.210, 630.335, 630.405, 630.425, 630.510, 630.605, 630.610, 630.635, 630.705, 630.715, 630.735, 632.005, 632.105, 632.110, 632.115, 632.120, 632.370, 632.380, 633.005, 633.010, 633.020, 633.029, 633.030, 633.045, 633.050, 633.110, 633.115, 633.120, 633.125, 633.130, 633.135, 633.140, 633.145, 633.150, 633.155, 633.160, 633.180, 633.185, 633.190, 633.210, 633.300, 633.303, 633.309, and 660.405,

RSMo, and to enact in lieu thereof seventy-four new sections relating to developmental disability, with existing penalty provisions.

Was taken up by Senator Rupp on a standing division vote.

Senator Rupp offered **SS** for **HB 648**, entitled:

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 648

An Act to repeal sections 8.241, 178.900, 189.010, 189.065, 192.005, 198.012, 205.968, 208.151, 208.275, 208.955, 209.150, 209.152, 209.200, 210.496, 210.900, 211.031, 211.202, 211.203, 211.206, 211.207, 211.447, 301.143, 402.210, 453.070, 475.121, 475.355, 476.537, 552.015, 552.020, 552.030, 552.040, 630.003, 630.005, 630.010, 630.053, 630.095, 630.097, 630.120, 630.165, 630.167, 630.183, 630.192, 630.210, 630.335, 630.405, 630.425, 630.510, 630.605, 630.610, 630.635, 630.705, 630.715, 630.735, 632.005, 632.105, 632.110, 632.115, 632.120, 632.370, 632.380, 633.005, 633.010, 633.020, 633.029, 633.030, 633.045, 633.050, 633.110, 633.115, 633.120, 633.125, 633.130, 633.135, 633.140, 633.145, 633.150, 633.155, 633.160, 633.180, 633.185, 633.190, 633.210, 633.300, 633.303, and 633.309, RSMo, and to enact in lieu thereof eighty-seven new sections relating to individuals with disabilities, with existing penalty provisions.

Senator Rupp moved that **SS** for **HB 648** be adopted.

Senator Schaaf offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 648, Page 29, Section 208.955, Line 15 of said page, by striking the word “nineteen” and inserting in lieu thereof the following: “**twenty**”; and further amend line 23 of said page, by inserting after “representative” the following: “**who has no financial interest in the health care industry and who has not been an employee of the state within the last five years**”; and further amend line 25 of said page, by inserting an opening bracket “[“ immediately before the word “recommended”; and further amend line 27 of said page, by inserting a closing bracket “]” immediately after “state,”; and further amend line 28 of said page, by inserting after “area” the following: “**chosen in the same manner as described in section 334.120**”; and

Further amend said bill and section, page 30, line 3 of said page, by inserting an opening bracket “[“ immediately before the word “recommended”; and further amend line 5 of said page, by inserting immediately after “state” the following: “**] chosen in the same manner as described in section 334.120**”; and further amend lines 7 to 24 of said page, by striking said lines and inserting in lieu thereof the following:

“(7) [One] **Two** nonphysician health care [professional] **professionals, the first nonphysician health care professional licensed under chapter 335 and the second nonphysician health care professional licensed under chapter 337**, who [cares] **care** for participants[, recommended by the director of the department of insurance, financial institutions and professional registration];

(8) One dentist, who cares for participants[. The dentist shall be recommended by any Missouri organization or association that represents a significant number of dentists licensed in this state], **chosen in the same manner as described in section 332.021**;

(9) Two patient advocates **who have no financial interest in the health care industry and who have**

not been employees of the state within the last five years;

(10) One public member **who has no financial interest in the health care industry and who has not been an employee of the state within the last five years;** and further amend line 25 of said page, by striking “[~~(11)~~] **(12)**” and inserting in lieu thereof the following: “(11)”.

Senator Schaaf moved that the above amendment be adopted, which motion prevailed on a standing division vote.

At the request of Senator Rupp, **HB 648**, with **SS**, as amended (pending), was placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Goodman moved that **SCS** for **SB 366**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 366**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 366

An Act to amend chapter 351, RSMo, by adding thereto seventy-nine new sections relating to the Missouri cooperative associations act, with penalty provisions.

Was taken up.

Senator Goodman moved that **HCS** for **SCS** for **SB 366**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Kehoe Richard—2

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Goodman, **HCS** for **SCS** for **SB 366**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kraus	Lager	Lamping

Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson
Wright-Jones—33							

NAYS—Senators—None

Absent—Senator Kehoe—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

On motion of Senator Dempsey, the Senate recessed until 7:26 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Mayer.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS No. 2** for **SJR 2**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article VIII of the Constitution of Missouri, and adopting four new sections relating to elections.

In which the concurrence of the Senate is respectfully requested.

REPORTS OF STANDING COMMITTEES

Senator Schaefer, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 17**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 18**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 21**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 22**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Schaefer assumed the Chair.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 562**—Small Business, Insurance and Industry.

HCS for **HB 664**—Jobs, Economic Development and Local Government.

HCS for **HB 579**—Health, Mental Health, Seniors and Families.

HCS for **HB 366**—Jobs, Economic Development and Local Government.

HCS for **HBs 600, 337** and **413**—Judiciary and Civil and Criminal Jurisprudence.

HCS for **HB 161**—Jobs, Economic Development and Local Government.

HCS for **HB 523**—Small Business, Insurance and Industry.

HCS for **HB 473**—Education.

INTRODUCTIONS OF GUESTS

Senator Schmitt introduced to the Senate, Mayor Gerry Welsh, Webster Groves.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-SECOND DAY—TUESDAY, MAY 3, 2011

FORMAL CALENDAR

VETOED BILLS

SCS for SB 188-Lager, et al

HOUSE BILLS ON SECOND READING

HCS for HB 773
HCS for HJR 16
HCS for HB 552

HCS for HB 787
HCS for HB 597
HJR 27-Brattin, et al

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna (In Fiscal
Oversight)

SB 204-Dempsey, et al (In Fiscal
Oversight)

SENATE BILLS FOR PERFECTION

1. SB 260-Wasson, with SCS
2. SB 425-Goodman, with SCS
3. SB 400-Kraus, with SCS
4. SB 392-Rupp, with SCS
5. SB 403-Nieves
6. SB 329-Nieves
7. SB 353-Engler
8. SJR 16-Goodman, with SCS
9. SB 391-Lager
10. SB 253-Callahan and Cunningham, with
SCS

11. SB 223-Mayer
12. SB 119-Schaefer
13. SB 150-Munzlinger
14. SB 84-Wright-Jones
15. SB 45-Wright-Jones
16. SB 14-Pearce, with SCS
17. SB 281-Kraus
18. SB 399-Kraus
19. SB 44-Wright-Jones

HOUSE BILLS ON THIRD READING

1. HJR 6-Cierpiot, et al (Cunningham)
2. HCS for HB 336 (Schmitt)
3. HB 340-Klippenstein, et al (Schaaf)
4. HCS for HB 545, with SCS (Schaaf)
5. HB 190-Ruzicka (Brown)
6. HCS for HB 250, with SCS (Stouffer)
7. HB 101-Loehner, with SCS (Cunningham)
8. HB 462-Pollock, with SCS (Lager)
9. HCS for HB 89, with SCS (Lager)
(In Fiscal Oversight)

10. HCS for HB 578, with SCS (Lager)
11. HB 737-Redmon and Shumake, with SCS
12. HB 183-Silvey (Kraus)
13. HCS for HB 17, with SCS (Schaefer)
14. HCS for HB 18, with SCS (Schaefer)
15. HCS for HB 21, with SCS (Schaefer)
16. HCS for HB 22, with SCS (Schaefer)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SS for SB 231-Lager

SENATE BILLS FOR PERFECTION

SBs 1 & 206-Ridgeway, with SCS & SA 1
(pending)

SBs 7, 5, 74 & 169-Goodman, with SCS

SB 10-Rupp

SB 23-Keaveny, with SCS & SS for SCS
(pending)

SB 25-Schaaf, with SCS & SS for SCS
(pending)

SB 28-Brown

SB 37-Lembke, with SCS

SB 52-Cunningham

SB 72-Kraus, with SS (pending)

SBs 88 & 82-Schaaf, with SCS & SA 1
(pending)

SB 120-Stouffer, with SS (pending)

SB 130-Rupp, with SCS & SS for SCS
(pending)

SB 155-Rupp, with SCS

SB 175-Munzlinger, et al, with SA 1
(pending)

SB 176-Munzlinger, et al

SBs 189, 217, 246, 252 & 79-Schmitt,
with SCS

SB 200-Crowell

SB 203-Schmitt, et al, with SS (pending)

SB 208-Lager

SB 209-Lager

SB 228-Pearce

SB 242-Cunningham, with SCS & SS for SCS
(pending)

SB 247-Pearce, with SS (pending)

SB 264-Rupp, with SCS

SB 278-Munzlinger, et al

SB 280-Purgason, et al, with SCS & SS
for SCS (pending)

SBs 291, 184 & 294-Pearce, with SCS & SA 4
(pending)

SB 299-Munzlinger, with SCS (pending)

SB 326-Wasson

SBs 369 & 370-Cunningham, with SCS

SB 390-Schmitt, et al

SBs 408 & 80-Crowell, with SCS

SB 420-Mayer, with SCS

SJR 11-Munzlinger, with SCS

SJR 15-Nieves, et al, with SS (pending)

HOUSE BILLS ON THIRD READING

HCS for HB 61

HB 71-Nasheed, et al

HCS for HBs 112 & 285, with SCS (Brown)

HCS for HB 143 (Goodman)

HB 282-Franz, with SCS (Crowell)

HCS for HBs 294, 123, 125, 113, 271 &
215, with SCS & SS for SCS (pending)
(Munzlinger)

HCS for HB 338 (Lager)

HB 361-Leara (Cunningham)

HB 442-Franz (Parson)

HCS for HB 556

HCS#2 for HB 609, with SCS (Wasson)

HB 648-Montecillo, with SS (pending)
(Rupp)

HB 738-Nasheed, et al, with SCS

(pending) (Cunningham)

HJR 2-McGhee, et al (Goodman)

HJR 29-Solon, et al, with SA 1 (pending)
(Munzlinger)

SENATE BILLS WITH HOUSE AMENDMENTS

SJR 2-Stouffer, with HCS#2

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 2, with SCS (Schaefer)

HCS for HB 3, with SCS (Schaefer)

HCS for HB 4, with SCS (Schaefer)

HCS for HB 5, with SCS (Schaefer)

HCS for HB 6, with SCS (Schaefer)

HCS for HB 7, with SCS, as amended
(Schaefer)

HCS for HB 8, with SCS (Schaefer)

HCS for HB 9, with SCS (Schaefer)

HCS for HB 10, with SCS (Schaefer)

HCS for HB 11, with SCS (Schaefer)

HCS for HB 12, with SCS (Schaefer)

HCS for HB 13, with SCS (Schaefer)

RESOLUTIONS

Reported from Committee

SR 179-Purgason

HCR 15-Brown (50), et al (Curls)

HCR 11-Nolte, et al (Justus)

HCR 34-Hampton, et al (Munzlinger)

SCR 12-Schaaf

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Journal of the Senate

FIRST REGULAR SESSION

SIXTY-SECOND DAY—TUESDAY, MAY 3, 2011

The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

“Let us not love in word or in speech but in deed and in truth.” (I John 3:18)

We ask, O Lord, let us never forget You or how loving and gracious You are to us. You have blessed us with good work that must be done so we ask that our deed match our speech and word be true. May we rejoice and be proud of the actions we take this day and may we find completion in the efforts put forth. And may we never fail to show our appreciation for those who do so much to help us get through each week. Let us show in loving words and action how much they mean to us and treat them accordingly. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Dempsey announced that photographers from KRCG-TV and the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 966, regarding Brody Osborn, Odessa, which was adopted.

Senator Stouffer offered Senate Resolution No. 967, regarding Jacob Stewart, Odessa, which was adopted.

Senator Stouffer offered Senate Resolution No. 968, regarding Corey White, Mayview, which was adopted.

Senator Stouffer offered Senate Resolution No. 969, regarding John Norris, Bates City, which was adopted.

Senator Mayer offered Senate Resolution No. 970, regarding Missouri state employees, which was adopted.

Senator Green offered Senate Resolution No. 971, regarding Alexander V. Ewing, which was adopted.

Senator Richard offered Senate Resolution No. 972, regarding the Joplin School District's Bright Futures program, which was adopted.

Senator Richard offered Senate Resolution No. 973, regarding Don and Brenda Larson, founders of the Talkington Foundation, Neosho, which was adopted.

CONCURRENT RESOLUTIONS

Senator Curls moved that **HCR 15** be taken up for adoption, which motion prevailed.

Senator Schmitt assumed the Chair.

On motion of Senator Curls, **HCR 15** was adopted by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Kehoe—1

Vacancies—None

Senator Justus moved that **HCR 11** be taken up for adoption, which motion prevailed.

President Kinder assumed the Chair.

On motion of Senator Justus, **HCR 11** was adopted by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Kehoe—1

Vacancies—None

Senator Munzlinger moved that **HCR 34** be taken up for adoption, which motion prevailed.

On motion of Senator Munzlinger, **HCR 34** was adopted by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Kraus	Lager	Lamping	Lembke	Mayer	Munzlinger	Nieves
Parson	Pearce	Purgason	Richard	Schaaf	Schmitt	Stouffer	Wasson—24

NAYS—Senators

Curls	Green	Justus	Keaveny	McKenna	Ridgeway	Rupp	Schaefer
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Wright-Jones—9

Absent—Senators—None

Absent with leave—Senator Kehoe—1

Vacancies—None

Senator Schaaf moved that **SCR 12** be taken up for adoption, which motion prevailed.

On motion of Senator Schaaf, **SCR 12** was adopted by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Green	Purgason—2
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Absent with leave—Senators—None

Vacancies—None

Senator Pearce assumed the Chair.

HOUSE BILLS ON THIRD READING

Senator Parson moved that **HB 442**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Schmitt assumed the Chair.

Senator Lembke offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend House Bill No. 442, Pages 1-2, Section 34.036, by striking all of said section from the bill and inserting in lieu thereof, the following:

“34.073. 1. In letting contracts for the performance of any job or service, all agencies, departments, institutions, and other entities of this state and of each political subdivision of this state shall give **a five point** preference to all firms, corporations, or individuals doing business as Missouri firms, corporations, or individuals, or which maintain Missouri offices or places of business[, when the quality of performance promised is equal or better and the price quoted is the same or less. The commissioner of administration may also give such preference whenever competing bids, in their entirety, are comparable.

2. Notwithstanding the requirements of subsection 1 of this section, the commissioner of administration shall give further preference as required by section 34.076].

2. Notwithstanding any other provision of law to the contrary, no other preference shall be awarded to any entity or person other than as provided in subsection 1 of this section.

[34.031. 1. The commissioner of administration, in consultation with the environmental improvement and energy resources authority of the department of natural resources, shall give full consideration to the purchase of products made from materials recovered from solid waste and to the reduction and ultimate elimination of purchases of products manufactured in whole or in part of thermoformed or other extruded polystyrene foam manufactured using any fully halogenated chlorofluorocarbon (CFC). Products that utilize recovered materials of a price and quality comparable to products made from virgin materials shall be sought and purchased, with particular emphasis on recycled oil, retread tires, compost materials and recycled paper products. The commissioner shall exercise a preference for such products if their use is technically feasible and, where a bid is required, their price is equal to, or less than, the price of items which are manufactured or produced from virgin materials. Products that would be inferior, violate safety standards or violate product warranties if the provisions of this section are followed may be excluded from the provisions of this section.

2. The commissioner of administration shall:

(1) Review the procurement specifications in order to eliminate discrimination against the procurement of recycled products;

(2) Review and modify the contract specifications for paper products and increase the minimum required percentage of recycled paper in each product as follows:

- (a) Forty percent recovered materials for newsprint;
- (b) Eighty percent recovered materials for paperboard;
- (c) Fifty percent waste paper in high grade printing and writing paper;
- (d) Five to forty percent in tissue products;

(3) Support federal incentives and policy guidelines designed to promote these goals;

(4) Develop and implement a cooperative procurement policy to facilitate bulk order purchases and to increase availability of recycled products. The policy shall be distributed to all state agencies and shall be made available to political subdivisions of the state;

(5) Conduct a survey using existing staff of those items customarily required by the state that are manufactured in whole or part from polystyrene plastic, and report its findings, together with an analysis of environmentally acceptable alternatives thereto, prepared in collaboration with the department of natural resources, to the general assembly and every state agency within six months of August 28, 1995.

3. Notwithstanding the provisions of this section, no state agency may purchase any food or beverage containers or wrapping manufactured from any polystyrene foam manufactured using any fully halogenated chlorofluorocarbon (CFC) found by the United States Environmental Protection Agency (EPA) to be an ozone-depleting chemical.

4. No state agency may purchase any items made in whole or part of thermoformed or other extruded polystyrene foam manufactured using any fully halogenated chlorofluorocarbon (CFC) found by the United States Environmental Protection Agency (EPA) to be an ozone-depleting chemical without approval from the commissioner of administration. Approval shall not be granted unless the purchasing agency demonstrates to the satisfaction of the director of the department of natural resources and the commissioner that there is no environmentally more acceptable alternatives or the quality of such alternatives is not adequate for the purpose intended.

5. For each paper product type and corresponding recycled paper content standard pursuant to subdivision (2) of subsection 2 of this section, attainment goals for the percentage of paper products to be purchased that utilize post-consumer recovered materials shall be:

- (1) Ten percent in 1991 and 1992;
- (2) Twenty-five percent in 1993 and 1994;
- (3) Forty percent in 1995; and
- (4) Sixty percent by 2000.

6. In the review of capital improvement projects for buildings and facilities of state government, the commissioner of administration shall direct the division of design and construction to give full consideration to alternatives which use solid waste, as defined in section 260.200, as a fuel for energy production or which use products composed of materials recovered from solid waste.

7. The commissioner of administration, in consultation with the environmental improvement and energy resources authority of the department of natural resources, shall prepare and provide by January first of each year an annual report summarizing past activities and accomplishments of the program and proposed goals of the program including projections for each affected agency. The report shall also include a list of

products utilizing recovered materials that could substitute for products currently purchased and a schedule of amounts purchased of products utilizing recovered materials compared to purchases of similar products utilizing virgin materials for the period covered by the annual report.

8. The office of administration, department of natural resources and department of economic development shall cooperate jointly and share to the greatest extent possible, information and other resources to promote:

(1) Producers or potential producers of secondary material goods to expand or develop their product lines;

(2) Increased demand for secondary materials recovered in Missouri; and

(3) Increased demand by state government for products which contain secondary materials recovered in Missouri.

9. The commissioner of administration may increase minimum recycled content percentages for paper products, minimum recycled content percentages for other recycled products and establish minimum post-consumer content as such products become available. The preference provided in subsection 1 of this section shall apply to the minimum standards established by the commissioner.]

[34.070. In making purchases, the commissioner of administration or any agent of the state with purchasing power shall give preference to all commodities and tangible personal property manufactured, mined, produced, processed, or grown within the state of Missouri, to all new generation processing entities defined in section 348.432, except new generation processing entities that own or operate a renewable fuel production facility or that produce renewable fuel, and to all firms, corporations or individuals doing business as Missouri firms, corporations or individuals, when quality is equal or better and delivered price is the same or less. The commissioner of administration or any agent of the state with purchasing power may also give such preference whenever competing bids, in their entirety, are comparable. For purposes of this section, “commodities” shall include any agricultural product that has been processed or otherwise had value added to it in this state.]

[34.074. 1. As used in this section, the term “service-disabled veteran” means any individual who is disabled as certified by the appropriate federal agency responsible for the administration of veterans’ affairs.

2. As used in this section, the term “service-disabled veteran business” means a business concern:

(1) Not less than fifty-one percent of which is owned by one or more service-disabled veterans or, in the case of any publicly owned business, not less than fifty-one percent of the stock of which is owned by one or more service-disabled veterans; and

(2) The management and daily business operations of which are controlled by one or more service-disabled veterans.

3. In letting contracts for the performance of any job or service, all agencies, departments, institutions, and other entities of this state and of each political subdivision of this state shall give a three-point bonus preference to service-disabled veteran businesses doing business as Missouri firms, corporations, or individuals, or which maintain Missouri offices or places of business.

4. In implementing the provisions of subsection 3 of this section, the following shall apply:

(1) The commissioner of administration shall have the goal of three percent of all such contracts described in subsection 3 of this section to be let to such veterans;

(2) If no or an insufficient number of such veterans doing business in this state submit a bid or proposal for a contract let by an agency, department, institution, or other entity of the state or a political subdivision, such goal shall not be required and the provisions of subdivision (1) of this subsection shall not apply;

(3) The commissioner of administration may promulgate rules in order to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or disapprove and annul a rule subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.]

[34.165. 1. In making purchases for this state, its governmental agencies or political subdivisions, the commissioner of administration shall give a bidding preference consisting of a ten-point bonus on bids for products and services manufactured, produced or assembled in qualified nonprofit organizations for the blind established pursuant to the provisions of 41 U.S.C. Sections 46 to 48c, as amended and in sheltered workshops holding a certificate of approval from the department of elementary and secondary education pursuant to section 178.920 if the participating nonprofit organization provides the greater of two percent or five thousand dollars of the total contract value of bids for purchase not exceeding ten million dollars.

2. An affidavit signed by the director or manager and the board president of a participating nonprofit organization shall be provided to the purchasing agency by the contractor at the completion of the contract or within thirty days of the first anniversary of the contract, whichever first occurs, verifying compliance.

3. The commissioner of administration shall make such rules and regulations regarding specifications, quality standards, time of delivery, performance and other relevant matters as shall be necessary to carry out the purpose of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

4. At the request of the commissioner of administration, the state auditor may examine all records, books and data of any qualified nonprofit organization for the blind to determine the costs of manufacturing products or rendering services and the manner and efficiency of production and administration of such nonprofit organization with relation to any product or services purchased by this state, its governmental agencies or political subdivisions and to furnish the results of such examination to the commissioner for appropriate action.]

[34.375. 1. This section shall be known and may be cited as the “Missouri Calcium Initiative”.

2. The purchasing agent for any governmental entity that purchases food or beverages to be processed or served in a building or room owned or operated by such governmental entity shall give preference to foods and beverages that:

(1) Contain a higher level of calcium than products of the same type and nutritional quality; and

(2) Are equal to or lower in price than products of the same type and nutritional quality.

3. Notwithstanding the provisions of subsection 2 of this section to the contrary, if a state institution

determines that a high calcium food or beverage that is preferred pursuant to subsection 2 of this section will interfere with the proper treatment and care of a patient of such institution, the purchasing agent shall not be required to purchase the high calcium food or beverage for such patient.

4. The requirements of this section shall be in addition to any requirements placed upon a governmental entity by the United States Department of Agriculture under the National School Lunch Program or the School Breakfast Program.

5. For purposes of this section, “governmental entity” means the state of Missouri, its departments, agencies, boards, commissions and institutions, and all school districts of the state. Governmental entity does not include political subdivisions of the state.

6. Notwithstanding the provisions of this section to the contrary, a purchasing agent who has entered into a contract with a supplier before July 1, 2003, to purchase food and beverages shall not be required to purchase high calcium foods and beverages if purchasing such products would change the terms of the contract.]; and

Further amend the title and enacting clause accordingly.

Senator Lembke moved that the above amendment be adopted.

At the request of Senator Parson, **HB 442**, with **SA 2** (pending), was placed on the Informal Calendar.

At the request of Senator Cunningham, **HJR 6** was placed on the Informal Calendar.

HCS for **HB 336** was placed on the Informal Calendar.

HB 340, introduced by Representative Klippenstein, et al, entitled:

An Act to repeal section 49.310, RSMo, and to enact in lieu thereof one new section relating to the erection and maintenance of jails, with an emergency clause.

Was taken up by Senator Schaaf.

Senator Crowell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Bill No. 340, Page 1, In the Title, Line 3, by inserting immediately after the word “clause” the following: “for a certain section”; and

Further amend said bill, page 2, section 49.310, line 24, by inserting after all of said line the following:

“478.711. 1. Within Cape Girardeau County the circuit court [shall] **may** hold court in the courthouses at Jackson and at Cape Girardeau, and while holding court at Jackson may be known as the “Circuit Court of Cape Girardeau County at Jackson” and while holding court at Cape Girardeau may be known as the “Circuit Court of Cape Girardeau County at Cape Girardeau”. All matters which are handled by circuit judges or associate circuit judges of the circuit court of Cape Girardeau County may be handled at either of the locations.

2. The probate division of the circuit court of Cape Girardeau County [shall] **may** maintain an office at the courthouse in Jackson and an office at the courthouse in Cape Girardeau.

483.420. The circuit clerk of Cape Girardeau County [shall] **may** maintain and staff offices at the courthouses in Jackson and Cape Girardeau.”; and

Further amend said bill and page, section B, line 2, by inserting immediately after the word “reenactment” the following: “of section 49.310”; and further amend line 4, by inserting immediately after the word “reenactment” the following: “of section 49.310”; and

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Under the provisions of Senate Rule 91, Senator Lager was excused from voting on the 3rd reading and final passage and the emergency clause of **HB 340**.

On motion of Senator Schaaf, **HB 340**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Lamping	Lembke
Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard
Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—31	

NAYS—Senators

Kraus Ridgeway—2

Absent—Senators—None

Absent with leave—Senators—None

Excused from voting—Senator Lager—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Lamping	Lembke
Mayer	McKenna	Munzlinger	Parson	Pearce	Purgason	Richard	Rupp
Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—30		

NAYS—Senators

Kraus Nieves Ridgeway—3

Absent—Senators—None

Absent with leave—Senators—None

Excused from voting—Senator Lager—1

Vacancies—None

On motion of Senator Schaaf, title to the bill was agreed to.

Senator Schaaf moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HCS for HB 545, with SCS, entitled:

An Act to repeal section 67.1956, RSMo, and to enact in lieu thereof one new section relating to tourism community enhancement districts.

Was taken up by Senator Schaaf.

SCS for HCS for HB 545, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 545

An Act to repeal sections 67.1003, 67.1005, and 67.1956, RSMo, and to enact in lieu thereof three new sections relating to tourism.

Was taken up.

Senator Schaaf moved that **SCS for HCS for HB 545** be adopted.

Senator Schaaf offered **SS for SCS for HCS for HB 545**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 545

An Act to repeal sections 67.1000, 67.1002, 67.1003, 67.1005, and 67.1956, RSMo, and to enact in lieu thereof four new sections relating to tourism.

Senator Schaaf moved that **SS for SCS for HCS for HB 545** be adopted.

At the request of Senator Schaaf, **HCS for HB 545**, with **SCS** and **SS for SCS** (pending), was placed on the Informal Calendar.

On motion of Senator Dempsey, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Pearce.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
May 3, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Thomas Irwin, 6227 Northwood Avenue, Saint Louis City, Missouri 63105, as a member of the Saint Louis City Board of Police Commissioners, for a term ending January 31, 2015, and until his successor is duly appointed and qualified; vice, Michael Gerdine, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SS No. 2 for SCS for SB 8**, entitled:

An Act to repeal sections 287.067, 287.120, and 287.150, RSMo, and to enact in lieu thereof three new sections relating to workers' compensation.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 8, Page 2, Section 287.067, Line 36, by inserting after the word "department" the following:

"or paid police officers of a paid police department certified under chapter 590"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SS for SCS for SB 58**, entitled:

An Act to repeal sections 301.3084, 304.120, 304.200, 387.040, 387.050, 387.080, 387.110, 387.207, 390.051, 390.061, 390.116, and 390.280, RSMo, and to enact in lieu thereof eighteen new sections relating to transportation.

With House Amendment No. 1, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3, as amended, House Amendment Nos. 4, 5, 6, 7, 8, 9, 10, 11 and 12.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 58, Page 1 and 2, Section 301.3084, Lines 1 through 33, by deleting all of said lines and inserting in lieu thereof the following:

"301.3084. 1. Any person may receive special license plates as prescribed by this section, for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight[, after an annual contribution of an emblem-use authorization fee to the Friends of the Missouri Women's Council. Any contribution to the Friends of the Missouri Women's Council pursuant to this section, except reasonable administrative costs, shall be designated for the sole purpose of providing breast cancer services, including but not limited

to screening, treatment, staging, and follow-up services. The Friends of the Missouri Women's Council hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any person may annually apply for the use of the emblem]. **Upon making a twenty-five dollar annual contribution to the breast cancer awareness fund, established in this section, the vehicle owner may apply for a "Breast Cancer Awareness" license plate. If the contribution is made directly to the state treasurer, the state treasurer shall issue the individual making the contribution a receipt, verifying the contribution, that may be used to apply for the "Breast Cancer Awareness" license plate. If the contribution is made directly to the director of revenue, the director shall note the contribution and the owner may then apply for the "Breast Cancer Awareness" plate. The applicant for such plate must pay a fifteen dollar fee in addition to the regular registration fees and present any other documentation required by law for each set of "Breast Cancer Awareness" plates issued pursuant to this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section.**

2. [Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Friends of the Missouri Women's Council, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized] **The "Breast Cancer Awareness"** license plate [which] shall bear a graphic design depicting the breast cancer awareness pink ribbon symbol [with the words "Breast Cancer Awareness" forming an oval around the symbol,] and shall bear the words ["MISSOURI WOMEN'S COUNCIL"] **BREAST CANCER AWARENESS** in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section.

3. A vehicle owner, who was previously issued a plate with a breast cancer awareness emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

4. **There is hereby created in the state treasury the "Breast Cancer Awareness Fund" which shall consist of all gifts, donations, transfers, and moneys appropriated by the general assembly, and bequests to the fund. The fund shall be administered by the department of health and senior services.**

5. **The state treasurer or the director of revenue shall deposit the twenty-five dollar annual contribution in the breast cancer awareness fund. Funds deposited pursuant to subsection 1 of this section shall be used to support breast cancer awareness activities conducted by the department of health and senior services.**

6. **The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Notwithstanding the provisions of section 33.080,**

to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 3

Amend House Amendment No. 3 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 58, Page 3, Line 27 by inserting after the word **“products”** the following:

“not including local log truck as defined in section 301.010”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 58, Page 3, Section 304.120, Line 42 by inserting after all of said section and line the following:

“304.180. 1. No vehicle or combination of vehicles shall be moved or operated on any highway in this state having a greater weight than twenty thousand pounds on one axle, no combination of vehicles operated by transporters of general freight over regular routes as defined in section 390.020 shall be moved or operated on any highway of this state having a greater weight than the vehicle manufacturer’s rating on a steering axle with the maximum weight not to exceed twelve thousand pounds on a steering axle, and no vehicle shall be moved or operated on any state highway of this state having a greater weight than thirty-four thousand pounds on any tandem axle; the term “tandem axle” shall mean a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart.

2. An “axle load” is defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.

3. Subject to the limit upon the weight imposed upon a highway of this state through any one axle or on any tandem axle, the total gross weight with load imposed by any group of two or more consecutive axles of any vehicle or combination of vehicles shall not exceed the maximum load in pounds as set forth in the following table:

Distance in feet
between the extremes
of any group of two or
more consecutive axles,
measured to the nearest
foot, except where

indicated otherwise

feet	Maximum load in pounds				
	2 axles	3 axles	4 axles	5 axles	6 axles
4	34,000				
5	34,000				
6	34,000				
7	34,000				
8	34,000	34,000			
More than 8	38,000	42,000			
9	39,000	42,500			
10	40,000	43,500			
11	40,000	44,000			
12	40,000	45,000	50,000		
13	40,000	45,500	50,500		
14	40,000	46,500	51,500		
15	40,000	47,000	52,000		
16	40,000	48,000	52,500	58,000	
17	40,000	48,500	53,500	58,500	
18	40,000	49,500	54,000	59,000	
19	40,000	50,000	54,500	60,000	
20	40,000	51,000	55,500	60,500	66,000
21	40,000	51,500	56,000	61,000	66,500
22	40,000	52,500	56,500	61,500	67,000
23	40,000	53,000	57,500	62,500	68,000
24	40,000	54,000	58,000	63,000	68,500
25	40,000	54,500	58,500	63,500	69,000
26	40,000	55,500	59,500	64,000	69,500
27	40,000	56,000	60,000	65,000	70,000
28	40,000	57,000	60,500	65,500	71,000
29	40,000	57,500	61,500	66,000	71,500
30	40,000	58,500	62,000	66,500	72,000
31	40,000	59,000	62,500	67,500	72,500
32	40,000	60,000	63,500	68,000	73,000
33	40,000	60,000	64,000	68,500	74,000
34	40,000	60,000	64,500	69,000	74,500
35	40,000	60,000	65,500	70,000	75,000
36		60,000	66,000	70,500	75,500

37	60,000	66,500	71,000	76,000
38	60,000	67,500	72,000	77,000
39	60,000	68,000	72,500	77,500
40	60,000	68,500	73,000	78,000
41	60,000	69,500	73,500	78,500
42	60,000	70,000	74,000	79,000
43	60,000	70,500	75,000	80,000
44	60,000	71,500	75,500	80,000
45	60,000	72,000	76,000	80,000
46	60,000	72,500	76,500	80,000
47	60,000	73,500	77,500	80,000
48	60,000	74,000	78,000	80,000
49	60,000	74,500	78,500	80,000
50	60,000	75,500	79,000	80,000
51	60,000	76,000	80,000	80,000
52	60,000	76,500	80,000	80,000
53	60,000	77,500	80,000	80,000
54	60,000	78,000	80,000	80,000
55	60,000	78,500	80,000	80,000
56	60,000	79,500	80,000	80,000
57	60,000	80,000	80,000	80,000

Notwithstanding the above table, two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each if the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.

4. Whenever the state highways and transportation commission finds that any state highway bridge in the state is in such a condition that use of such bridge by vehicles of the weights specified in subsection 3 of this section will endanger the bridge, or the users of the bridge, the commission may establish maximum weight limits and speed limits for vehicles using such bridge. The governing body of any city or county may grant authority by act or ordinance to the state highways and transportation commission to enact the limitations established in this section on those roadways within the purview of such city or county. Notice of the weight limits and speed limits established by the commission shall be given by posting signs at a conspicuous place at each end of any such bridge.

5. Nothing in this section shall be construed as permitting lawful axle loads, tandem axle loads or gross loads in excess of those permitted under the provisions of Section 127 of Title 23 of the United States Code.

6. Notwithstanding the weight limitations contained in this section, any vehicle or combination of vehicles operating on highways other than the interstate highway system may exceed single axle, tandem axle and gross weight limitations in an amount not to exceed two thousand pounds. However, total gross weight shall not exceed eighty thousand pounds, except as provided in subsection 9 of this section.

7. Notwithstanding any provision of this section to the contrary, the department of transportation shall issue a single-use special permit, or upon request of the owner of the truck or equipment, shall issue an annual permit, for the transporting of any concrete pump truck or well-drillers' equipment. The department of transportation shall set fees for the issuance of permits pursuant to this subsection. Notwithstanding the provisions of section 301.133, concrete pump trucks or well-drillers' equipment may be operated on state-maintained roads and highways at any time on any day.

8. Notwithstanding the provision of this section to the contrary, the maximum gross vehicle limit and axle weight limit for any vehicle or combination of vehicles equipped with an idle reduction technology may be increased by a quantity necessary to compensate for the additional weight of the idle reduction system as provided for in 23 U.S.C. Section 127, as amended. In no case shall the additional weight increase allowed by this subsection be greater than four hundred pounds. Upon request by an appropriate law enforcement officer, the vehicle operator shall provide proof that the idle reduction technology is fully functional at all times and that the gross weight increase is not used for any purpose other than for the use of idle reduction technology.

9. Notwithstanding subsection 3 of this section or any other provision of law to the contrary, the total gross weight of any vehicle or combination of vehicles hauling livestock **or agricultural products** may be as much as, but shall not exceed, eighty-five thousand five hundred pounds [while operating on U.S. Highway 36 from St. Joseph to U.S. Highway 65, and on U.S. Highway 65 from the Iowa state line to U.S. Highway 36]. **The provisions of this subsection, however, shall not apply to vehicles operated on the Dwight D. Eisenhower System of Interstate and Defense Highways.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 58, Page 1, Section 227.428, Line 5 by inserting after all of said section and line the following:

“301.010. As used in this chapter and sections 304.010 to 304.040, 304.120 to 304.260, and sections 307.010 to 307.175, the following terms mean:

(1) “All-terrain vehicle”, any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of one thousand five hundred pounds or less, traveling on three, four or more nonhighway tires, with a seat designed to be straddled by the operator, or with a seat designed to carry more than one person, and handlebars for steering control;

(2) “Automobile transporter”, any vehicle combination designed and used specifically for the transport of assembled motor vehicles;

(3) “Axle load”, the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle;

(4) “Boat transporter”, any vehicle combination designed and used specifically to transport assembled boats and boat hulls;

(5) “Body shop”, a business that repairs physical damage on motor vehicles that are not owned by the shop or its officers or employees by mending, straightening, replacing body parts, or painting;

(6) “Bus”, a motor vehicle primarily for the transportation of a driver and eight or more passengers but not including shuttle buses;

(7) “Commercial motor vehicle”, a motor vehicle designed or regularly used for carrying freight and merchandise, or more than eight passengers but not including vanpools or shuttle buses;

(8) “Cotton trailer”, a trailer designed and used exclusively for transporting cotton at speeds less than forty miles per hour from field to field or from field to market and return;

(9) “Dealer”, any person, firm, corporation, association, agent or subagent engaged in the sale or exchange of new, used or reconstructed motor vehicles or trailers;

(10) “Director” or “director of revenue”, the director of the department of revenue;

(11) “Driveaway operation”:

(a) The movement of a motor vehicle or trailer by any person or motor carrier other than a dealer over any public highway, under its own power singly, or in a fixed combination of two or more vehicles, for the purpose of delivery for sale or for delivery either before or after sale;

(b) The movement of any vehicle or vehicles, not owned by the transporter, constituting the commodity being transported, by a person engaged in the business of furnishing drivers and operators for the purpose of transporting vehicles in transit from one place to another by the driveaway or towaway methods; or

(c) The movement of a motor vehicle by any person who is lawfully engaged in the business of transporting or delivering vehicles that are not the person’s own and vehicles of a type otherwise required to be registered, by the driveaway or towaway methods, from a point of manufacture, assembly or distribution or from the owner of the vehicles to a dealer or sales agent of a manufacturer or to any consignee designated by the shipper or consignor;

(12) “Dromedary”, a box, deck, or plate mounted behind the cab and forward of the fifth wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor equipped with a dromedary may carry part of a load when operating independently or in a combination with a semitrailer;

(13) “Farm tractor”, a tractor used exclusively for agricultural purposes;

(14) “Fleet”, any group of ten or more motor vehicles owned by the same owner;

(15) “Fleet vehicle”, a motor vehicle which is included as part of a fleet;

(16) “Fullmount”, a vehicle mounted completely on the frame of either the first or last vehicle in a saddlemount combination;

(17) “Gross weight”, the weight of vehicle and/or vehicle combination without load, plus the weight of any load thereon;

(18) “Hail-damaged vehicle”, any vehicle, the body of which has become dented as the result of the impact of hail;

(19) “Highway”, any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways or alleys in any municipality;

(20) “Improved highway”, a highway which has been paved with gravel, macadam, concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard, smooth surface;

(21) “Intersecting highway”, any highway which joins another, whether or not it crosses the same;

(22) “Junk vehicle”, a vehicle which is incapable of operation or use upon the highways and has no

resale value except as a source of parts or scrap, and shall not be titled or registered;

(23) “Kit vehicle”, a motor vehicle assembled by a person other than a generally recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from an authorized manufacturer and accompanied by a manufacturer’s statement of origin;

(24) “Land improvement contractors’ commercial motor vehicle”, any not-for-hire commercial motor vehicle the operation of which is confined to:

(a) An area that extends not more than a radius of one hundred miles from its home base of operations when transporting its owner’s machinery, equipment, or auxiliary supplies to or from projects involving soil and water conservation, or to and from equipment dealers’ maintenance facilities for maintenance purposes; or

(b) An area that extends not more than a radius of fifty miles from its home base of operations when transporting its owner’s machinery, equipment, or auxiliary supplies to or from projects not involving soil and water conservation. Nothing in this subdivision shall be construed to prevent any motor vehicle from being registered as a commercial motor vehicle or local commercial motor vehicle;

(25) “Local commercial motor vehicle”, a commercial motor vehicle whose operations are confined solely to a municipality and that area extending not more than fifty miles therefrom, or a commercial motor vehicle whose property-carrying operations are confined solely to the transportation of property owned by any person who is the owner or operator of such vehicle to or from a farm owned by such person or under the person’s control by virtue of a landlord and tenant lease; provided that any such property transported to any such farm is for use in the operation of such farm;

(26) “Local log truck”, a commercial motor vehicle which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this state, used to transport harvested forest products, operated solely at a forested site and in an area extending not more than a one hundred-mile radius from such site, carries a load with dimensions not in excess of twenty-five cubic yards per two axles with dual wheels, and when operated on the national system of interstate and defense highways described in Title 23, Section 103(e) of the United States Code, such vehicle shall not exceed the weight limits of section 304.180, does not have more than four axles, and does not pull a trailer which has more than two axles. Harvesting equipment which is used specifically for cutting, felling, trimming, delimbing, debarking, chipping, skidding, loading, unloading, and stacking may be transported on a local log truck. A local log truck may not exceed the limits required by law, however, if the truck does exceed such limits as determined by the inspecting officer, then notwithstanding any other provisions of law to the contrary, such truck shall be subject to the weight limits required by such sections as licensed for eighty thousand pounds;

(27) “Local log truck tractor”, a commercial motor vehicle which is registered under this chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this state, used to transport harvested forest products, operated solely at a forested site and in an area extending not more than a one hundred-mile radius from such site, operates with a weight not exceeding twenty-two thousand four hundred pounds on one axle or with a weight not exceeding forty-four thousand eight hundred pounds on any tandem axle, and when operated on the national system of interstate and defense highways described in Title 23, Section 103(e) of the United States Code, such vehicle does not exceed the weight limits contained in section 304.180, and does not have more than three axles and does not pull a trailer which has more than two axles. Violations of axle weight limitations shall be subject to the load limit penalty as

described for in sections 304.180 to 304.220;

(28) “Local transit bus”, a bus whose operations are confined wholly within a municipal corporation, or wholly within a municipal corporation and a commercial zone, as defined in section 390.020, adjacent thereto, forming a part of a public transportation system within such municipal corporation and such municipal corporation and adjacent commercial zone;

(29) “Log truck”, a vehicle which is not a local log truck or local log truck tractor and is used exclusively to transport harvested forest products to and from forested sites which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state for the transportation of harvested forest products;

(30) “Major component parts”, the rear clip, cowl, frame, body, cab, front-end assembly, and front clip, as those terms are defined by the director of revenue pursuant to rules and regulations or by illustrations;

(31) “Manufacturer”, any person, firm, corporation or association engaged in the business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

(32) “Mobile scrap processor”, a business located in Missouri or any other state that comes onto a salvage site and crushes motor vehicles and parts for transportation to a shredder or scrap metal operator for recycling;

(33) “Motor change vehicle”, a vehicle manufactured prior to August, 1957, which receives a new, rebuilt or used engine, and which used the number stamped on the original engine as the vehicle identification number;

(34) “Motor vehicle”, any self-propelled vehicle not operated exclusively upon tracks, except farm tractors;

(35) “Motor vehicle primarily for business use”, any vehicle other than a recreational motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over twelve thousand pounds:

(a) Offered for hire or lease; or

(b) The owner of which also owns ten or more such motor vehicles;

(36) “Motorcycle”, a motor vehicle operated on two wheels;

(37) “Motorized bicycle”, any two-wheeled or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which produces less than three gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground;

(38) “Motortricycle”, a motor vehicle operated on three wheels, including a motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel. A motortricycle shall not be included in the definition of all-terrain vehicle;

(39) “Municipality”, any city, town or village, whether incorporated or not;

(40) “Nonresident”, a resident of a state or country other than the state of Missouri;

(41) “Non-USA-std motor vehicle”, a motor vehicle not originally manufactured in compliance with United States emissions or safety standards;

(42) “Operator”, any person who operates or drives a motor vehicle;

(43) “Owner”, any person, firm, corporation or association, who holds the legal title to a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this law;

(44) “Public garage”, a place of business where motor vehicles are housed, stored, repaired, reconstructed or repainted for persons other than the owners or operators of such place of business;

(45) “Rebuilder”, a business that repairs or rebuilds motor vehicles owned by the rebuilder, but does not include certificated common or contract carriers of persons or property;

(46) “Reconstructed motor vehicle”, a vehicle that is altered from its original construction by the addition or substitution of two or more new or used major component parts, excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;

(47) “Recreational motor vehicle”, any motor vehicle designed, constructed or substantially modified so that it may be used and is used for the purposes of temporary housing quarters, including therein sleeping and eating facilities which are either permanently attached to the motor vehicle or attached to a unit which is securely attached to the motor vehicle. Nothing herein shall prevent any motor vehicle from being registered as a commercial motor vehicle if the motor vehicle could otherwise be so registered;

(48) “Recreational off-highway vehicle”, any motorized vehicle manufactured and used exclusively for off-highway use which is sixty **four** inches or less in width, with an unladen dry weight of one thousand eight hundred fifty pounds or less, traveling on four or more nonhighway tires, with a nonstraddle seat, and steering wheel, which may have access to ATV trails;

(49) “Rollback or car carrier”, any vehicle specifically designed to transport wrecked, disabled or otherwise inoperable vehicles, when the transportation is directly connected to a wrecker or towing service;

(50) “Saddlemount combination”, a combination of vehicles in which a truck or truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth wheel of the vehicle in front of it. The “saddle” is a mechanism that connects the front axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth wheel kingpin connection. When two vehicles are towed in this manner the combination is called a “double saddlemount combination”. When three vehicles are towed in this manner, the combination is called a “triple saddlemount combination”;

(51) “Salvage dealer and dismantler”, a business that dismantles used motor vehicles for the sale of the parts thereof, and buys and sells used motor vehicle parts and accessories;

(52) “Salvage vehicle”, a motor vehicle, semitrailer, or house trailer which:

(a) Was damaged during a year that is no more than six years after the manufacturer’s model year designation for such vehicle to the extent that the total cost of repairs to rebuild or reconstruct the vehicle to its condition immediately before it was damaged for legal operation on the roads or highways exceeds eighty percent of the fair market value of the vehicle immediately preceding the time it was damaged;

(b) By reason of condition or circumstance, has been declared salvage, either by its owner, or by a person, firm, corporation, or other legal entity exercising the right of security interest in it;

(c) Has been declared salvage by an insurance company as a result of settlement of a claim;

(d) Ownership of which is evidenced by a salvage title; or

(e) Is abandoned property which is titled pursuant to section 304.155 or section 304.157 and designated with the words “salvage/abandoned property”. The total cost of repairs to rebuild or reconstruct the vehicle shall not include the cost of repairing, replacing, or reinstalling inflatable safety restraints, tires, sound systems, or damage as a result of hail, or any sales tax on parts or materials to rebuild or reconstruct the vehicle. For purposes of this definition, “fair market value” means the retail value of a motor vehicle as:

a. Set forth in a current edition of any nationally recognized compilation of retail values, including automated databases, or from publications commonly used by the automotive and insurance industries to establish the values of motor vehicles;

b. Determined pursuant to a market survey of comparable vehicles with regard to condition and equipment; and

c. Determined by an insurance company using any other procedure recognized by the insurance industry, including market surveys, that is applied by the company in a uniform manner;

(53) “School bus”, any motor vehicle used solely to transport students to or from school or to transport students to or from any place for educational purposes;

(54) “Shuttle bus”, a motor vehicle used or maintained by any person, firm, or corporation as an incidental service to transport patrons or customers of the regular business of such person, firm, or corporation to and from the place of business of the person, firm, or corporation providing the service at no fee or charge. Shuttle buses shall not be registered as buses or as commercial motor vehicles;

(55) “Special mobile equipment”, every self-propelled vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including farm equipment, implements of husbandry, road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines, motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section;

(56) “Specially constructed motor vehicle”, a motor vehicle which shall not have been originally constructed under a distinctive name, make, model or type by a manufacturer of motor vehicles. The term specially constructed motor vehicle includes kit vehicles;

(57) “Stinger-steered combination”, a truck tractor-semitrailer wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit;

(58) “Tandem axle”, a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart;

(59) “Tractor”, “truck tractor” or “truck-tractor”, a self-propelled motor vehicle designed for drawing other vehicles, but not for the carriage of any load when operating independently. When attached to a semitrailer, it supports a part of the weight thereof;

(60) “Trailer”, any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a self-propelled vehicle, except those running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed and used in conjunction with a

self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle. The term “trailer” shall not include cotton trailers as defined in subdivision (8) of this section and shall not include manufactured homes as defined in section 700.010;

(61) “Truck”, a motor vehicle designed, used, or maintained for the transportation of property;

(62) “Truck-tractor semitrailer-semitrailer”, a combination vehicle in which the two trailing units are connected with a B-train assembly which is a rigid frame extension attached to the rear frame of a first semitrailer which allows for a fifth-wheel connection point for the second semitrailer and has one less articulation point than the conventional A-dolly connected truck-tractor semitrailer-trailer combination;

(63) “Truck-trailer boat transporter combination”, a boat transporter combination consisting of a straight truck towing a trailer using typically a ball and socket connection with the trailer axle located substantially at the trailer center of gravity rather than the rear of the trailer but so as to maintain a downward force on the trailer tongue;

(64) “Used parts dealer”, a business that buys and sells used motor vehicle parts or accessories, but not including a business that sells only new, remanufactured or rebuilt parts. “Business” does not include isolated sales at a swap meet of less than three days;

(65) “Utility vehicle”, any motorized vehicle manufactured and used exclusively for off-highway use which is sixty-three inches or less in width, with an unladen dry weight of one thousand eight hundred fifty pounds or less, traveling on four or six wheels, to be used primarily for landscaping, lawn care, or maintenance purposes;

(66) “Vanpool”, any van or other motor vehicle used or maintained by any person, group, firm, corporation, association, city, county or state agency, or any member thereof, for the transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to and from their place of employment; however, a vanpool shall not be included in the definition of the term bus or commercial motor vehicle as defined by subdivisions (6) and (7) of this section, nor shall a vanpool driver be deemed a chauffeur as that term is defined by section 302.010; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational, personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for monetary profit other than for use in a ride-sharing arrangement;

(67) “Vehicle”, any mechanical device on wheels, designed primarily for use, or used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by handicapped persons;

(68) “Wrecker” or “tow truck”, any emergency commercial vehicle equipped, designed and used to assist or render aid and transport or tow disabled or wrecked vehicles from a highway, road, street or highway rights-of-way to a point of storage or repair, including towing a replacement vehicle to replace a disabled or wrecked vehicle;

(69) “Wrecker or towing service”, the act of transporting, towing or recovering with a wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker, tow truck, rollback or car carrier for which the operator directly or indirectly receives compensation or other personal gain.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 58, Page 1, Section A, Line 5, by inserting after all of said line the following:

“227.107. 1. Notwithstanding any provision of section 227.100 to the contrary, as an alternative to the requirements and procedures specified by sections 227.040 to 227.100, the state highways and transportation commission is authorized to enter into highway design-build project contracts. The total number of highway design-build project contracts awarded by the commission in any state fiscal year shall not exceed two percent of the total number of all state highway system projects **awarded to contracts for construction from projects** listed in the commission’s approved statewide transportation improvement project for that state fiscal year. Authority to enter into design-build projects granted by this section shall expire on July 1, [2012] **2018**, unless extended by statute.

2. Notwithstanding provisions of subsection 1 of this section to the contrary, the state highways and transportation commission is authorized to enter into additional design-build contracts for the design, construction, reconstruction, or improvement of Missouri Route 364 as contained in any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants and in any county with a charter form of government and with more than one million inhabitants, and the State Highway 169 and 96th Street intersection located within a home rule city with more than four hundred thousand inhabitants and located in more than one county. The state highways and transportation commission is authorized to enter into an additional design-build contract for the design, construction, reconstruction, or improvement of State Highway 92, contained in a county of the first classification with more than one hundred eighty-four thousand but fewer than one hundred eighty-eight thousand inhabitants, from its intersection with State Highway 169, east to its intersection with State Highway E. **The state highways and transportation commission is authorized to enter into an additional design-build contract for the design, construction, reconstruction, or improvement of US 40/61 I-64 Missouri River Bridge as contained in any county with a charter form of government and with more than one million inhabitants and any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants.** The authority to enter into a design-build highway project under this subsection shall not be subject to the time limitation expressed in subsection 1 of this section.

3. For the purpose of this section a “design-builder” is defined as an individual, corporation, partnership, joint venture or other entity, including combinations of such entities making a proposal to perform or performing a design-build highway project contract.

4. For the purpose of this section, “design-build highway project contract” is defined as the procurement of all materials and services necessary for the design, construction, reconstruction or improvement of a state highway project in a single contract with a design-builder capable of providing the necessary materials and services.

5. For the purpose of this section, “highway project” is defined as the design, construction, reconstruction or improvement of highways or bridges under contract with the state highways and transportation commission, which is funded by state, federal or local funds or any combination of such funds.

6. In using a design-build highway project contract, the commission shall establish a written procedure by rule for prequalifying design-builders before such design-builders will be allowed to make a proposal on the project.

7. In any design-build highway project contract, whether involving state or federal funds, the commission shall require that each person submitting a request for qualifications provide a detailed disadvantaged business enterprise participation plan. The plan shall provide information describing the experience of the person in meeting disadvantaged business enterprise participation goals, how the person will meet the department of transportation's disadvantaged business enterprise participation goal and such other qualifications that the commission considers to be in the best interest of the state.

8. The commission is authorized to issue a request for proposals to a maximum of five design-builders prequalified in accordance with subsection 6 of this section.

9. The commission may require approval of any person performing subcontract work on the design-build highway project.

10. Notwithstanding the provisions of sections 107.170, and 227.100, to the contrary, the commission shall require the design-builder to provide to the commission directly such bid, performance and payment bonds, or such letters of credit, in such terms, durations, amounts, and on such forms as the commission may determine to be adequate for its protection and provided by a surety or sureties authorized to conduct surety business in the state of Missouri or a federally insured financial institution or institutions, satisfactory to the commission, including but not limited to:

(1) A bid or proposal bond, cash or a certified or cashier's check;

(2) A performance bond or bonds for the construction period specified in the design-build highway project contract equal to a reasonable estimate of the total cost of construction work under the terms of the design-build highway project contract. If the commission determines in writing supported by specific findings that the reasonable estimate of the total cost of construction work under the terms of the design-build highway project contract is expected to exceed two-hundred fifty million dollars and a performance bond or bonds in such amount is impractical, the commission shall set the performance bond or bonds at the largest amount reasonably available, but not less than two-hundred fifty million dollars, and may require additional security, including but not limited to letters of credit, for the balance of the estimate not covered by the performance bond or bonds;

(3) A payment bond or bonds that shall be enforceable under section 522.300 for the protection of persons supplying labor and material in carrying out the construction work provided for in the design-build highway project contract. The aggregate amount of the payment bond or bonds shall equal a reasonable estimate of the total amount payable for the cost of construction work under the terms of the design-build highway project contract unless the commission determines in writing supported by specific findings that a payment bond or bonds in such amount is impractical, in which case the commission shall establish the amount of the payment bond or bonds; except that the amount of the payment bond or bonds shall not be less than the aggregate amount of the performance bond or bonds and any additional security to such performance bond or bonds; and

(4) Upon award of the design-build highway project contract, the sum of the performance bond and any required additional security established under subdivisions (2) and (3) of this subsection shall be stated, and shall be a matter of public record.

11. The commission is authorized to prescribe the form of the contracts for the work.

12. The commission is empowered to make all final decisions concerning the performance of the work under the design-build highway project contract, including claims for additional time and compensation.

13. The provisions of sections 8.285 to 8.291 shall not apply to the procurement of architectural, engineering or land surveying services for the design-build highway project, except that any person providing architectural, engineering or land surveying services for the design-builder on the design-build highway project must be licensed in Missouri to provide such services.

14. The commission shall pay a reasonable stipend to prequalified responsive design-builders who submit a proposal, but are not awarded the design-build highway project.

15. The commission shall comply with the provisions of any act of congress or any regulations of any federal administrative agency which provides and authorizes the use of federal funds for highway projects using the design-build process.

16. The commission shall promulgate administrative rules to implement this section or to secure federal funds. Such rules shall be published for comment in the Missouri Register and shall include prequalification criteria, the make-up of the prequalification review team, specifications for the design criteria package, the method of advertising, receiving and evaluating proposals from design-builders, the criteria for awarding the design-build highway project based on the design criteria package and a separate proposal stating the cost of construction, and other methods, procedures and criteria necessary to administer this section.

17. The commission shall make a status report to the members of the general assembly and the governor following the award of the design-build project, as an individual component of the annual report submitted by the commission to the joint transportation oversight committee in accordance with the provisions of section 21.795. The annual report prior to advertisement of the design-build highway project contracts shall state the goals of the project in reducing costs and/or the time of completion for the project in comparison to the design-bid-build method of construction and objective measurements to be utilized in determining achievement of such goals. Subsequent annual reports shall include: the time estimated for design and construction of different phases or segments of the project and the actual time required to complete such work during the period; the amount of each progress payment to the design-builder during the period and the percentage and a description of the portion of the project completed regarding such payment; the number and a description of design change orders issued during the period and the cost of each such change order; upon substantial and final completion, the total cost of the design-build highway project with a breakdown of costs for design and construction; and such other measurements as specified by rule. The annual report immediately after final completion of the project shall state an assessment of the advantages and disadvantages of the design-build method of contracting for highway and bridge projects in comparison to the design-bid-build method of contracting and an assessment of whether the goals of the project in reducing costs and/or the time of completion of the project were met.

18. The commission shall give public notice of a request for qualifications in at least two public newspapers that are distributed wholly or in part in this state and at least one construction industry trade publication that is distributed nationally.

19. The commission shall publish its cost estimates of the design-build highway project award and the project completion date along with its public notice of a request for qualifications of the design-build project.

20. If the commission fails to receive at least two responsive submissions from design-builders considered qualified, submissions shall not be opened and it shall readvertise the project.

21. For any highway design-build project constructed under this section, the commission shall negotiate

and reach agreements with affected railroads. Such agreements shall include clearance, safety, insurance, and indemnification provisions, but are not required to include provisions on right-of-way acquisitions.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 58, Page 2, Section 301.3084, Line 33 by inserting after said line the following:

“302.309. 1. Whenever any license is suspended pursuant to sections 302.302 to 302.309, the director of revenue shall return the license to the operator immediately upon the termination of the period of suspension and upon compliance with the requirements of chapter 303.

2. Any operator whose license is revoked pursuant to these sections, upon the termination of the period of revocation, shall apply for a new license in the manner prescribed by law.

3. (1) All circuit courts, the director of revenue, or a commissioner operating under section 478.007 shall have jurisdiction to hear applications and make eligibility determinations granting limited driving privileges. Any application may be made in writing to the director of revenue and the person’s reasons for requesting the limited driving privilege shall be made therein.

(2) When any court of record having jurisdiction or the director of revenue finds that an operator is required to operate a motor vehicle in connection with any of the following:

(a) [A business, occupation, or] **Driving to or from the operator’s places of** employment;

(b) [Seeking medical treatment for such operator;

(c)] Attending school or other institution of higher education;

[(d)] (c) Attending alcohol or drug treatment programs; **or**

[(e)] (d) Seeking the required services of a certified ignition interlock device provider; [or

(f) Any other circumstance the court or director finds would create an undue hardship on the operator;] the court or director may grant such limited driving privilege as the circumstances of the case justify if the court or director finds undue hardship would result to the individual, and while so operating a motor vehicle within the restrictions and limitations of the limited driving privilege the driver shall not be guilty of operating a motor vehicle without a valid license.

(3) An operator may make application to the proper court in the county in which such operator resides or in the county in which is located the operator’s principal place of business or employment. Any application for a limited driving privilege made to a circuit court shall name the director as a party defendant and shall be served upon the director prior to the grant of any limited privilege, and shall be accompanied by a copy of the applicant’s driving record as certified by the director. Any applicant for a limited driving privilege shall have on file with the department of revenue proof of financial responsibility as required by chapter 303. Any application by a person who transports persons or property as classified in section 302.015 may be accompanied by proof of financial responsibility as required by chapter 303, but if proof of financial responsibility does not accompany the application, or if the applicant does not have on file with the department of revenue proof of financial responsibility, the court or the director has discretion to grant the limited driving privilege to the person solely for the purpose of operating a vehicle whose owner has

complied with chapter 303 for that vehicle, and the limited driving privilege must state such restriction. When operating such vehicle under such restriction the person shall carry proof that the owner has complied with chapter 303 for that vehicle.

(4) No limited driving privilege shall be issued to any person otherwise eligible under the provisions of paragraph (a) of subdivision (6) of this subsection on a license revocation resulting from a conviction under subdivision (9) of subsection 1 of section 302.302, or a license denial under paragraph (a) or (b) of subdivision (8) of this subsection, until the applicant has filed proof with the department of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of limited driving privilege.

(5) The court order or the director's grant of the limited or restricted driving privilege shall indicate the termination date of the privilege, which shall be not later than the end of the period of suspension or revocation. A copy of any court order shall be sent by the clerk of the court to the director, and a copy shall be given to the driver which shall be carried by the driver whenever such driver operates a motor vehicle. The director of revenue upon granting a limited driving privilege shall give a copy of the limited driving privilege to the applicant. The applicant shall carry a copy of the limited driving privilege while operating a motor vehicle. A conviction which results in the assessment of points pursuant to section 302.302, other than a violation of a municipal stop sign ordinance where no accident is involved, against a driver who is operating a vehicle pursuant to a limited driving privilege terminates the privilege, as of the date the points are assessed to the person's driving record. If the date of arrest is prior to the issuance of the limited driving privilege, the privilege shall not be terminated. Failure of the driver to maintain proof of financial responsibility, as required by chapter 303, or to maintain proof of installation of a functioning, certified ignition interlock device, as applicable, shall terminate the privilege. The director shall notify by ordinary mail the driver whose privilege is so terminated.

(6) Except as provided in subdivision (8) of this subsection, no person is eligible to receive a limited driving privilege who at the time of application for a limited driving privilege has previously been granted such a privilege within the immediately preceding five years, or whose license has been suspended or revoked for the following reasons:

(a) A conviction of violating the provisions of section 577.010 or 577.012, or any similar provision of any federal or state law, or a municipal or county law where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney in writing, until the person has completed the first thirty days of a suspension or revocation imposed pursuant to this chapter;

(b) A conviction of any felony in the commission of which a motor vehicle was used;

(c) Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5), (6), (7), (8), (9), (10) or (11) of section 302.060;

(d) Because of operating a motor vehicle under the influence of narcotic drugs, a controlled substance as defined in chapter 195, or having left the scene of an accident as provided in section 577.060;

(e) Due to a revocation for the first time for failure to submit to a chemical test pursuant to section 577.041 or due to a refusal to submit to a chemical test in any other state, if such person has not completed the first ninety days of such revocation;

(f) Violation more than once of the provisions of section 577.041 or a similar implied consent law of any other state; or

(g) Due to a suspension pursuant to subsection 2 of section 302.525 and who has not completed the first thirty days of such suspension, provided the person is not otherwise ineligible for a limited driving privilege; or due to a revocation pursuant to subsection 2 of section 302.525 if such person has not completed such revocation.

(7) No person who possesses a commercial driver's license shall receive a limited driving privilege issued for the purpose of operating a commercial motor vehicle if such person's driving privilege is suspended, revoked, canceled, denied, or disqualified. Nothing in this section shall prohibit the issuance of a limited driving privilege for the purpose of operating a noncommercial motor vehicle provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege.

(8) (a) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of ten years, as prescribed in subdivision (9) of section 302.060, to apply for a limited driving privilege pursuant to this subsection if such person has served at least three years of such disqualification or revocation. Such person shall present evidence satisfactory to the court or the director that such person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding three years and that the person's habits and conduct show that the person no longer poses a threat to the public safety of this state.

(b) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege or convicted of involuntary manslaughter while operating a motor vehicle in an intoxicated condition, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of five years because of two convictions of driving while intoxicated, as prescribed in subdivision (10) of section 302.060, to apply for a limited driving privilege pursuant to this subsection if such person has served at least two years of such disqualification or revocation. Such person shall present evidence satisfactory to the court or the director that such person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding two years and that the person's habits and conduct show that the person no longer poses a threat to the public safety of this state. Any person who is denied a license permanently in this state because of an alcohol-related conviction subsequent to a restoration of such person's driving privileges pursuant to subdivision (9) of section 302.060 shall not be eligible for limited driving privilege pursuant to the provisions of this subdivision.

(9) A DWI docket or court established under section 478.007 may grant a limited driving privilege to a participant in or graduate of the program who would otherwise be ineligible for such privilege under another provision of law. The DWI docket or court shall not grant a limited driving privilege to a participant during his or her initial forty-five days of participation.

4. Any person who has received notice of denial of a request of limited driving privilege by the director of revenue may make a request for a review of the director's determination in the circuit court of the county in which the person resides or the county in which is located the person's principal place of business or employment within thirty days of the date of mailing of the notice of denial. Such review shall be based upon the records of the department of revenue and other competent evidence and shall be limited to a review of whether the applicant was statutorily entitled to the limited driving privilege.

5. The director of revenue shall promulgate rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.”; and

Further amend said bill, Page 14, Section 537.293, Line 13 by inserting after said line the following:

“577.023. 1. For purposes of this section, unless the context clearly indicates otherwise:

(1) An “aggravated offender” is a person who:

(a) Has pleaded guilty to or has been found guilty of three or more intoxication-related traffic offenses;

or

(b) Has pleaded guilty to or has been found guilty of one or more intoxication-related traffic offense and, in addition, any of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024; murder in the second degree under section 565.021, where the underlying felony is an intoxication-related traffic offense; or assault in the second degree under subdivision (4) of subsection 1 of section 565.060; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082;

(2) A “chronic offender” is:

(a) A person who has pleaded guilty to or has been found guilty of four or more intoxication-related traffic offenses; or

(b) A person who has pleaded guilty to or has been found guilty of, on two or more separate occasions, any combination of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024; murder in the second degree under section 565.021, where the underlying felony is an intoxication-related traffic offense; assault in the second degree under subdivision (4) of subsection 1 of section 565.060; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082; or

(c) A person who has pleaded guilty to or has been found guilty of two or more intoxication-related traffic offenses and, in addition, any of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024; murder in the second degree under section 565.021, where the underlying felony is an intoxication-related traffic offense; assault in the second degree under subdivision (4) of subsection 1 of section 565.060; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082;

(3) “Continuous alcohol monitoring”, automatically testing breath, blood, or transdermal alcohol concentration levels and tampering attempts at least once every hour, regardless of the location of the person who is being monitored, and regularly transmitting the data. Continuous alcohol monitoring shall be considered an electronic monitoring service under subsection 3 of section 217.690;

(4) An “intoxication-related traffic offense” is driving while intoxicated, driving with excessive blood alcohol content, involuntary manslaughter pursuant to subdivision (2) or (3) of subsection 1 of section

565.024, murder in the second degree under section 565.021, where the underlying felony is an intoxication-related traffic offense, assault in the second degree pursuant to subdivision (4) of subsection 1 of section 565.060, assault of a law enforcement officer in the second degree pursuant to subdivision (4) of subsection 1 of section 565.082, or driving under the influence of alcohol or drugs in violation of state law or a county or municipal ordinance;

(5) A “persistent offender” is one of the following:

(a) A person who has pleaded guilty to or has been found guilty of two or more intoxication-related traffic offenses;

(b) A person who has pleaded guilty to or has been found guilty of involuntary manslaughter pursuant to subdivision (2) or (3) of subsection 1 of section 565.024, assault in the second degree pursuant to subdivision (4) of subsection 1 of section 565.060, assault of a law enforcement officer in the second degree pursuant to subdivision (4) of subsection 1 of section 565.082; and

(6) A “prior offender” is a person who has pleaded guilty to or has been found guilty of one intoxication-related traffic offense, where such prior offense occurred within five years of the occurrence of the intoxication-related traffic offense for which the person is charged.

2. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or 577.012 who is alleged and proved to be a prior offender shall be guilty of a class A misdemeanor.

3. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or 577.012 who is alleged and proved to be a persistent offender shall be guilty of a class D felony.

4. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or section 577.012 who is alleged and proved to be an aggravated offender shall be guilty of a class C felony.

5. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or section 577.012 who is alleged and proved to be a chronic offender shall be guilty of a class B felony.

6. No state, county, or municipal court shall suspend the imposition of sentence as to a prior offender, persistent offender, aggravated offender, or chronic offender under this section nor sentence such person to pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding.

(1) No prior offender shall be eligible for parole or probation until he or she has served a minimum of ten days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least thirty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established pursuant to section 478.007 or other court-ordered treatment program, if available, **and as part of either program, the offender performs at least thirty days of community service under the supervision of the court.**

(2) No persistent offender shall be eligible for parole or probation until he or she has served a minimum of thirty days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least sixty days of community service under the supervision of the court; or

(b) The offender participates in and successfully completes a program established pursuant to section

478.007 or other court-ordered treatment program, if available, **and as part of either program, the offender performs at least thirty days of community service under the supervision of the court.**

(3) No aggravated offender shall be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment.

(4) No chronic offender shall be eligible for parole or probation until he or she has served a minimum of two years imprisonment. In addition to any other terms or conditions of probation, the court shall consider, as a condition of probation for any person who pleads guilty to or is found guilty of an intoxication-related traffic offense, requiring the offender to abstain from consuming or using alcohol or any products containing alcohol as demonstrated by continuous alcohol monitoring or by verifiable breath alcohol testing performed a minimum of four times per day as scheduled by the court for such duration as determined by the court, but not less than ninety days. The court may, in addition to imposing any other fine, costs, or assessments provided by law, require the offender to bear any costs associated with continuous alcohol monitoring or verifiable breath alcohol testing.

7. The state, county, or municipal court shall find the defendant to be a prior offender, persistent offender, aggravated offender, or chronic offender if:

(1) The indictment or information, original or amended, or the information in lieu of an indictment pleads all essential facts warranting a finding that the defendant is a prior offender or persistent offender; and

(2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding beyond a reasonable doubt the defendant is a prior offender, persistent offender, aggravated offender, or chronic offender; and

(3) The court makes findings of fact that warrant a finding beyond a reasonable doubt by the court that the defendant is a prior offender, persistent offender, aggravated offender, or chronic offender.

8. In a jury trial, the facts shall be pleaded, established and found prior to submission to the jury outside of its hearing.

9. In a trial without a jury or upon a plea of guilty, the court may defer the proof in findings of such facts to a later time, but prior to sentencing.

10. The defendant shall be accorded full rights of confrontation and cross-examination, with the opportunity to present evidence, at such hearings.

11. The defendant may waive proof of the facts alleged.

12. Nothing in this section shall prevent the use of presentence investigations or commitments.

13. At the sentencing hearing both the state, county, or municipality and the defendant shall be permitted to present additional information bearing on the issue of sentence.

14. The pleas or findings of guilt shall be prior to the date of commission of the present offense.

15. The court shall not instruct the jury as to the range of punishment or allow the jury, upon a finding of guilt, to assess and declare the punishment as part of its verdict in cases of prior offenders, persistent offenders, aggravated offenders, or chronic offenders.

16. Evidence of a prior conviction, plea of guilty, or finding of guilt in an intoxication-related traffic offense shall be heard and determined by the trial court out of the hearing of the jury prior to the submission

of the case to the jury, and shall include but not be limited to evidence received by a search of the records of the Missouri uniform law enforcement system, including criminal history records from the central repository or records from the driving while intoxicated tracking system (DWITS) maintained by the Missouri state highway patrol, or the certified driving record maintained by the Missouri department of revenue. After hearing the evidence, the court shall enter its findings thereon. A plea of guilty or a finding of guilt followed by incarceration, a fine, a suspended imposition of sentence, suspended execution of sentence, probation or parole or any combination thereof in any intoxication-related traffic offense in a state, county or municipal court or any combination thereof, shall be treated as a prior plea of guilty or finding of guilt for purposes of this section.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 58, Page 5, Section 304.200, Line 40 by inserting after all of said section and line the following:

“305.300. **1.** The governing body of any county may create an airport authority to build or acquire and operate one or more airports within the boundaries of the county or an adjoining county. The authority shall be created by resolution of the governing body not sooner than ten days after public notice is posted at the courthouse announcing the intention of forming such a body.

2. The governing body of any home rule city with more than one hundred fifty-one thousand five hundred but fewer than one hundred fifty-one thousand six hundred inhabitants may create an airport authority within the boundaries of the city in the same manner as provided in sections 305.300 to 305.333.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 58, Page 1, Section A, Line 5 by inserting after all of said section and line the following:

“226.195. **1.** As used in this section, the following terms mean:

(1) “Commission”, the Missouri highways and transportation commission;

(2) “Department”, the Missouri department of transportation;

(3) “Public mass transportation service provider”, a city, a city transit authority, a city utilities board, or an interstate transportation authority as such terms are defined in section 94.600, an intrastate transportation authority, or an agency receiving funding from either the federal transit administration urban or nonurban formula transit program.

2. There is hereby created the Missouri state transit assistance program. The purpose of this program is to provide state financial assistance to defray the operating and capital costs incurred by public mass transportation service providers.

3. Funds appropriated to the Missouri state transit assistance program shall be appropriated to the department and administered by the department on behalf of the commission. The distribution of funds to public mass transportation service providers shall be determined by evaluating factors including but not limited to the following:

- (1) **Population;**
- (2) **Ridership;**
- (3) **Cost and efficiency of the program;**
- (4) **Availability of alternative transportation in the area;**
- (5) **Local effort or tax support.**

4. The commission shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 58, Page 5, Section 304.200, Lines 39-40, by deleting all of said lines; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 58, Page 1, Section 227.428, Line 5, by inserting after all of said line the following:

“238.202. 1. As used in sections 238.200 to 238.275, the following terms mean:

- (1) “Board”, the board of directors of a district;
- (2) “Commission”, the Missouri highways and transportation commission;
- (3) “District”, a transportation development district organized under sections 238.200 to 238.275;
- (4) “Local transportation authority”, a county, city, town, village, county highway commission, special road district, interstate compact agency, or any local public authority or political subdivision having jurisdiction over any bridge, street, highway, dock, wharf, ferry, lake or river port, airport, railroad, light rail or other transit improvement or service;
- (5) “Project” includes any bridge, street, road, highway, access road, interchange, intersection, signing, signalization, parking lot, bus stop, station, garage, terminal, hangar, shelter, rest area, dock, wharf, lake or river port, airport, railroad, light rail, or [other mass transit] **public mass transportation system** and any similar or related improvement or infrastructure. **In the case of a district located in a home rule city with more than four hundred thousand inhabitants and located in more than one county, whose district boundaries are contained solely within that portion of such a home rule city that is contained within a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, the term “Project” shall also include the operation of a street car or other rail-based or fixed guideway public mass transportation system, and the revenue of such**

district may be used to pay for the design, construction, ownership and operation of such a street car or other rail-based or fixed guideway public mass transportation system by such district or such municipality, or by a local transportation authority having jurisdiction within such municipality.

(6) “Public mass transportation system”, a transportation system owned or operated by a governmental or quasi-governmental entity, employing motor buses, rails, or any other means of conveyance, by whatsoever type of power, operated for public use in the conveyance of persons, mainly providing local transportation service within a municipality or a single metropolitan statistical area.

2. For the purposes of sections 11(c), 16 and 22 of article X of the Constitution of Missouri, section 137.073, and as used in sections 238.200 to 238.275, the following terms shall have the meanings given:

(1) “Approval of the required majority” or “direct voter approval”, a simple majority;

(2) “Qualified electors”, “qualified voters” or “voters”:

(a) Within a proposed or established district, except for a district proposed under subsection 1 of section 238.207, any persons residing therein who have registered to vote pursuant to chapter 115; or

(b) Within a district proposed or established under subsection 1 of section 238.207 which has no persons residing therein who have registered to vote pursuant to chapter 115, the owners of record of all real property located in the district, who shall receive one vote per acre, provided that if a registered voter subsequent to the creation of the district becomes a resident within the district and obtains ownership of property within the district, such registered voter must elect whether to vote as an owner of real property or as a registered voter, which election once made cannot thereafter be changed;

(3) “Registered voters”, persons qualified and registered to vote pursuant to chapter 115.

238.225. 1. Before construction or funding of any project the district shall submit the proposed project to the commission for its prior approval. If the commission by minute finds that the project will improve or is a necessary or desirable extension of the state highways and transportation system, the commission may preliminarily approve the project subject to the district providing plans and specifications for the proposed project and making any revisions in the plans and specifications required by the commission and the district and commission entering into a mutually satisfactory agreement regarding development and future maintenance of the project. After such preliminary approval, the district may impose and collect such taxes and assessments as may be included in the commission’s preliminary approval. After the commission approves the final construction plans and specifications, the district shall obtain prior commission approval of any modification of such plans or specifications.

2. If the proposed project is not intended to be merged into the state highways and transportation system under the commission’s jurisdiction, the district shall also submit the proposed project and proposed plans and specifications to the local transportation authority that will become the owner of the project for its prior approval.

3. In those instances where a local transportation authority is required to approve a project and the commission determines that it has no direct interest in that project, the commission may decline to consider the project.

Approval of the project shall then vest exclusively with the local transportation authority subject to the district making any revisions in the plans and specifications required by the local transportation authority

and the district and the local transportation authority entering into a mutually satisfactory agreement regarding development and future maintenance of the project. After the local transportation authority approves the final construction plans and specifications, the district shall obtain prior approval of the local transportation authority before modifying such plans or specifications.

4. Notwithstanding any provision of this section to the contrary, this section shall not apply to any district whose project is a public mass transportation system.

238.235. 1. (1) Any transportation development district may by resolution impose a transportation development district sales tax on all retail sales made in such transportation development district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, except such transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to all sales of electricity or electrical current, water and gas, natural or artificial, nor to sales of service to telephone subscribers, either local or long distance. Such transportation development district sales tax may be imposed for any transportation development purpose designated by the transportation development district in its ballot of submission to its qualified voters, except that no resolution enacted pursuant to the authority granted by this section shall be effective unless:

(a) The board of directors of the transportation development district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of this section; or

(b) The voters approved the question certified by the petition filed pursuant to subsection 5 of section 238.207.

(2) If the transportation district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of paragraph (a) of subdivision (1) of this subsection, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the transportation development district of (transportation development district's name) impose a transportation development district-wide sales tax at the rate of (insert amount) for a period of (insert number) years from the date on which such tax is first imposed for the purpose of (insert transportation development purpose)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the resolution and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors of the transportation development district shall have no power to impose the sales tax authorized by this section unless and until the board of directors of the transportation development district shall again have submitted another proposal to authorize it to impose the sales tax pursuant to the provisions of this section and such proposal is approved by a majority of the qualified voters voting thereon.

(3) The sales tax authorized by this section shall become effective on the first day of the second calendar

quarter after the department of revenue receives notification of the tax.

(4) In each transportation development district in which a sales tax has been imposed in the manner provided by this section, every retailer shall add the tax imposed by the transportation development district pursuant to this section to the retailer's sale price, and when so added such tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

(5) In order to permit sellers required to collect and report the sales tax authorized by this section to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the transportation development district may establish appropriate brackets which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets provided in section 144.285.

(6) All revenue received by a transportation development district from the tax authorized by this section which has been designated for a certain transportation development purpose shall be deposited in a special trust fund and shall be used solely for such designated purpose. Upon the expiration of the period of years approved by the qualified voters pursuant to subdivision (2) of this subsection or if the tax authorized by this section is repealed pursuant to subsection 6 of this section, all funds remaining in the special trust fund shall continue to be used solely for such designated transportation development purpose. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors in accordance with applicable laws relating to the investment of other transportation development district funds.

(7) The sales tax may be imposed in increments of one-eighth of one percent, up to a maximum of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the transportation development district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525, except such transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to public utilities. Any transportation development district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the district.

2. The resolution imposing the sales tax pursuant to this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax and the tax shall be reported and returned to and collected by the transportation development district.

3. On and after the effective date of any tax imposed pursuant to this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect, in addition to all other sales taxes imposed by law, the additional tax authorized pursuant to this section. The tax imposed pursuant to this section and the taxes imposed pursuant to all other laws of the state of Missouri shall be collected together and reported upon such forms and pursuant to such administrative rules and regulations as may be prescribed by the director of revenue.

4. (1) All applicable provisions contained in sections 144.010 to 144.525, governing the state sales tax, sections 32.085 and 32.087 and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section.

(2) All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services pursuant to the provisions of sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax imposed by this section.

(3) The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the transportation development district may prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

(4) All discounts allowed the retailer pursuant to the provisions of the state sales tax laws for the collection of and for payment of taxes pursuant to such laws are hereby allowed and made applicable to any taxes collected pursuant to the provisions of this section.

(5) The penalties provided in section 32.057 and sections 144.010 to 144.525 for violation of those sections are hereby made applicable to violations of this section.

(6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail sales except retail sales of motor vehicles shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which the employee works.

5. All sales taxes received by the transportation development district shall be deposited by the director of revenue in a special fund to be expended for the purposes authorized in this section. The director of revenue shall keep accurate records of the amount of money which was collected pursuant to this section, and the records shall be open to the inspection of officers of each transportation development district and the general public.

6. (1) No transportation development district imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects.

(2) Whenever the board of directors of any transportation development district in which a transportation development sales tax has been imposed in the manner provided by this section receives a petition, signed by ten percent of the qualified voters calling for an election to repeal such transportation development sales tax, the board of directors shall, if such repeal will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects, submit to the qualified voters of such transportation development district a proposal to repeal the transportation development sales tax imposed pursuant to the provisions of this section. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal to repeal the transportation development sales tax, then the resolution imposing the transportation

development sales tax, along with any amendments thereto, is repealed. If a majority of the votes cast by the qualified voters voting thereon are opposed to the proposal to repeal the transportation development sales tax, then the ordinance or resolution imposing the transportation development sales tax, along with any amendments thereto, shall remain in effect.

7. Notwithstanding any provision of sections 99.800 to 99.865, and this section to the contrary, the sales tax imposed by a district whose project is a public mass transportation system shall not be considered economic activity taxes as such term is defined under sections 99.805 and 99.918 and shall not be subject to allocation under the provisions of subsection 3 of section 99.845, or subsection 4 of section 99.957.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 58, Page 1, Section A, Line 5, by inserting after all of said line the following:

“70.441. 1. As used in this section, the following terms have the following meanings:

(1) “Agency”, the bi-state development agency created by compact under section 70.370;

(2) “Conveyance” includes bus, paratransit vehicle, rapid transit car or train, locomotive, or other vehicle used or held for use by the agency as a means of transportation of passengers;

(3) “Facilities” includes all property and equipment, including, without limitation, rights-of-way and related trackage, rails, signals, power, fuel, communication and ventilation systems, power plants, stations, terminals, signage, storage yards, depots, repair and maintenance shops, yards, offices, parking lots and other real estate or personal property used or held for or incidental to the operation, rehabilitation or improvement of any public mass transportation system of the agency;

(4) “Person”, any individual, firm, copartnership, corporation, association or company; and

(5) “Sound production device” includes, but is not limited to, any radio receiver, phonograph, television receiver, musical instrument, tape recorder, cassette player, speaker device and any sound amplifier.

2. In interpreting or applying this section, the following provisions shall apply:

(1) Any act otherwise prohibited by this section is lawful if specifically authorized by agreement, permit, license or other writing duly signed by an authorized officer of the agency or if performed by an officer, employee or designated agent of the agency acting within the scope of his or her employment or agency;

(2) Rules shall apply with equal force to any person assisting, aiding or abetting another, including a minor, in any of the acts prohibited by the rules or assisting, aiding or abetting another in the avoidance of any of the requirements of the rules; and

(3) The singular shall mean and include the plural; the masculine gender shall mean the feminine and the neuter genders; and vice versa.

3. (1) No person shall use or enter upon the light rail conveyances of the agency without payment of the fare or other lawful charges established by the agency. Any person on any such conveyance must have properly validated fare media in his possession. This ticket must be valid to or from the station the passenger is using, and must have been used for entry for the trip then being taken;

(2) No person shall use any token, pass, badge, ticket, document, transfer, card or fare media to gain entry to the facilities or conveyances of, or make use of the services of, the agency, except as provided, authorized or sold by the agency and in accordance with any restriction on the use thereof imposed by the agency;

(3) No person shall enter upon parking lots designated by the agency as requiring payment to enter, either by electronic gate or parking meters, where the cost of such parking fee is visibly displayed at each location, without payment of such fees or other lawful charges established by the agency;

(4) Except for employees of the agency acting within the scope of their employment, no person shall sell, provide, copy, reproduce or produce, or create any version of any token, pass, badge, ticket, document, transfer, card or any other fare media or otherwise authorize access to or use of the facilities, conveyances or services of the agency without the written permission of an authorized representative of the agency;

(5) No person shall put or attempt to put any paper, article, instrument or item, other than a token, ticket, badge, coin, fare card, pass, transfer or other access authorization or other fare media issued by the agency and valid for the place, time and manner in which used, into any fare box, pass reader, ticket vending machine, parking meter, parking gate or other fare collection instrument, receptacle, device, machine or location;

(6) Tokens, tickets, fare cards, badges, passes, transfers or other fare media that have been forged, counterfeited, imitated, altered or improperly transferred or that have been used in a manner inconsistent with this section shall be confiscated;

(7) No person may perform any act which would interfere with the provision of transit service or obstruct the flow of traffic on facilities or conveyances or which would in any way interfere or tend to interfere with the safe and efficient operation of the facilities or conveyances of the agency;

(8) All persons on or in any facility or conveyance of the agency shall:

(a) Comply with all lawful orders and directives of any agency employee acting within the scope of his employment;

(b) Obey any instructions on notices or signs duly posted on any agency facility or conveyance; and

(c) Provide accurate, complete and true information or documents requested by agency personnel acting within the scope of their employment and otherwise in accordance with law;

(9) No person shall falsely represent himself or herself as an agent, employee or representative of the agency;

(10) No person on or in any facility or conveyance shall:

(a) Litter, dump garbage, liquids or other matter, or create a nuisance, hazard or unsanitary condition, including, but not limited to, spitting and urinating, except in facilities provided;

(b) Drink any alcoholic beverage or possess any opened or unsealed container of alcoholic beverage, except on premises duly licensed for the sale of alcoholic beverages, such as bars and restaurants;

(c) Enter or remain in any facility or conveyance while his ability to function safely in the environment of the agency transit system is impaired by the consumption of alcohol or by the taking of any drug;

(d) Loiter or stay on any facility of the agency;

(e) Consume foods or liquids of any kind, except in those areas specifically authorized by the agency;

(f) Smoke or carry an open flame or lighted match, cigar, cigarette, pipe or torch, except in those areas or locations specifically authorized by the agency; or

(g) Throw or cause to be propelled any stone, projectile or other article at, from, upon or in a facility or conveyance;

(11) No weapon or other instrument intended for use as a weapon may be carried in or on any facility or conveyance, except for law enforcement personnel. For the purposes hereof, a weapon shall include, but not be limited to, a firearm, switchblade knife, sword, or any instrument of any kind known as blackjack, billy club, club, sandbag, metal knuckles, leather bands studded with metal, wood impregnated with metal filings or razor blades; except that this subdivision shall not apply to a rifle or shotgun which is unloaded and carried in any enclosed case, box or other container which completely conceals the item from view and identification as a weapon;

(12) No explosives, flammable liquids, acids, fireworks or other highly combustible materials or radioactive materials may be carried on or in any facility or conveyance, except as authorized by the agency;

(13) No person, except as specifically authorized by the agency, shall enter or attempt to enter into any area not open to the public, including, but not limited to, motorman's cabs, conductor's cabs, bus operator's seat location, closed-off areas, mechanical or equipment rooms, concession stands, storage areas, interior rooms, tracks, roadbeds, tunnels, plants, shops, barns, train yards, garages, depots or any area marked with a sign restricting access or indicating a dangerous environment;

(14) No person may ride on the roof, the platform between rapid transit cars, or on any other area outside any rapid transit car or bus or other conveyance operated by the agency;

(15) No person shall extend his hand, arm, leg, head or other part of his or her person or extend any item, article or other substance outside of the window or door of a moving rapid transit car, bus or other conveyance operated by the agency;

(16) No person shall enter or leave a rapid transit car, bus or other conveyance operated by the agency except through the entrances and exits provided for that purpose;

(17) No animals may be taken on or into any conveyance or facility except the following:

(a) An animal enclosed in a container, accompanied by the passenger and carried in a manner which does not annoy other passengers; and

(b) Working dogs for law enforcement agencies, agency dogs on duty, dogs properly harnessed and accompanying blind or hearing-impaired persons to aid such persons, or dogs accompanying trainers carrying a certificate of identification issued by a dog school;

(18) No vehicle shall be operated carelessly, or negligently, or in disregard of the rights or safety of others or without due caution and circumspection, or at a speed in such a manner as to be likely to endanger persons or property on facilities of the agency. The speed limit on parking lots and access roads shall be posted as fifteen miles per hour unless otherwise designated.

4. (1) Unless a greater penalty is otherwise provided by the laws of the state, any violation of this section shall constitute a misdemeanor, and any person committing a violation thereof shall be subject to arrest and, upon conviction in a court of competent jurisdiction, shall pay a fine in an amount not less than twenty-five

dollars and no greater than two hundred fifty dollars per violation, in addition to court costs. Any default in the payment of a fine imposed pursuant to this section without good cause shall result in imprisonment for not more than thirty days;

(2) Unless a greater penalty is provided by the laws of the state, any person convicted a second or subsequent time for the same offense under this section shall be guilty of a misdemeanor and sentenced to pay a fine of not less than fifty dollars nor more than five hundred dollars in addition to court costs, or to undergo imprisonment for up to sixty days, or both such fine and imprisonment;

(3) Any person failing to pay the proper fare, fee or other charge for use of the facilities and conveyances of the agency shall be subject to payment of such charge as part of the judgment against the violator. All proceeds from judgments for unpaid fares or charges shall be directed to the appropriate agency official;

(4) All juvenile offenders violating the provisions of this section shall be subject to the jurisdiction of the juvenile court as provided in chapter 211;

(5) As used in this section, the term "conviction" shall include all pleas of guilty and findings of guilt.

5. Any person who is convicted, pleads guilty, or pleads nolo contendere for failing to pay the proper fare, fee, or other charge for the use of the facilities and conveyances of the bi-state development agency, as described in subdivision (3) of subsection 4 of this section, shall, in addition to the unpaid fares or charges and any fines, penalties, or sentences imposed by law, shall be required to reimburse the reasonable costs attributable to the enforcement, investigation, and prosecution of such offense by the bi-state development agency. The court shall direct the reimbursement proceeds to the appropriate agency official.

6. (1) Stalled or disabled vehicles may be removed from the roadways of the agency property by the agency and parked or stored elsewhere at the risk and expense of the owner;

(2) Motor vehicles which are left unattended or abandoned on the property of the agency for a period of over seventy-two hours may be removed as provided for in section 304.155, except that the removal may be authorized by personnel designated by the agency under section 70.378."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 58, Page 1, Section A, Line 5 by inserting after all of said section and line the following:

"136.055. 1. Any person who is selected or appointed by the state director of revenue as provided in subsection 2 of this section to act as an agent of the department of revenue, whose duties shall be the processing of motor vehicle title and registration transactions and the collection of sales and use taxes when required under sections 144.070 and 144.440, and who receives no salary from the department of revenue, shall be authorized to collect from the party requiring such services additional fees as compensation in full and for all services rendered on the following basis:

(1) For each motor vehicle or trailer registration issued, renewed or transferred--three dollars and fifty cents and seven dollars for those licenses sold or biennially renewed pursuant to section 301.147;

(2) For each application or transfer of title--two dollars and fifty cents;

(3) For each instruction permit, nondriver license, chauffeur's, operator's or driver's license issued for a period of three years or less--two dollars and fifty cents and five dollars for licenses or instruction permits issued or renewed for a period exceeding three years;

(4) For each notice of lien processed--two dollars and fifty cents;

(5) No notary fee or other fee or additional charge shall be paid or collected except for electronic telephone transmission reception--two dollars.

2. The director of revenue shall award fee office contracts under this section through a competitive bidding process. The competitive bidding process shall give priority to organizations and entities that are exempt from taxation under Section 501(c)(3) or 501(c)(6) of the Internal Revenue Code of 1986, as amended, and political subdivisions, including but not limited to, municipalities, counties, and fire protection districts. The director of the department of revenue may promulgate rules and regulations necessary to carry out the provisions of this subsection. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this subsection shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

3. All fees collected by a tax-exempt organization may be retained and used by the organization.

4. All fees charged shall not exceed those in this section. The fees imposed by this section shall be collected by all permanent offices and all full-time or temporary offices maintained by the department of revenue.

5. Any person acting as agent of the department of revenue for the sale and issuance of registrations, licenses, and other documents related to motor vehicles shall have an insurable interest in all license plates, licenses, tabs, **window stickers**, forms and other documents held on behalf of the department.

6. The fees authorized by this section shall not be collected by motor vehicle dealers acting as agents of the department of revenue under section 32.095 or those motor vehicle dealers authorized to collect and remit sales tax under subsection 8 of section 144.070.

7. Notwithstanding any other provision of law to the contrary, the state auditor may audit all records maintained and established by the fee office in the same manner as the auditor may audit any agency of the state, and the department shall ensure that this audit requirement is a necessary condition for the award of all fee office contracts. No confidential records shall be divulged in such a way to reveal personally identifiable information.”; and

Further amend said bill, page, Section 227.428, Line 5 by inserting after all of said section and line the following:

“301.032. 1. Notwithstanding the provisions of sections 301.030 and 301.035 to the contrary, the director of revenue shall establish a system of registration of all fleet vehicles owned or purchased by a fleet owner registered pursuant to this section. The director of revenue shall prescribe the forms for such fleet registration and the forms and procedures for the registration updates prescribed in this section. Any owner of ten or more motor vehicles which must be registered in accordance with this chapter may register as a

fleet owner. All registered fleet owners may, at their option, register all motor vehicles included in the fleet on a calendar year or biennial basis pursuant to this section in lieu of the registration periods provided in sections 301.030, 301.035, and 301.147. The director shall issue an identification number to each registered owner of fleet vehicles.

2. All fleet vehicles included in the fleet of a registered fleet owner shall be registered during April each year or on a prorated basis as provided in subsection 3 of this section. Fees of all vehicles in the fleet to be registered on a calendar year basis or on a biennial basis shall be payable not later than the last day of April of each year, with two years' fees due for biennially-registered vehicles. Notwithstanding the provisions of section 307.355, an application for registration of a fleet vehicle must be accompanied by a certificate of inspection and approval issued no more than one hundred twenty days prior to the date of application. The fees for vehicles added to the fleet which must be licensed at the time of registration shall be payable at the time of registration, except that when such vehicle is licensed between July first and September thirtieth the fee shall be three-fourths the annual fee, when licensed between October first and December thirty-first the fee shall be one-half the annual fee and when licensed on or after January first the fee shall be one-fourth the annual fee. When biennial registration is sought for vehicles added to a fleet, an additional year's annual fee will be added to the partial year's prorated fee.

3. At any time during the calendar year in which an owner of a fleet purchases or otherwise acquires a vehicle which is to be added to the fleet or transfers plates to a fleet vehicle, the owner shall present to the director of revenue the identification number as a fleet number and may register the vehicle for the partial year as provided in subsection 2 of this section. The fleet owner shall also be charged a transfer fee of two dollars for each vehicle so transferred pursuant to this subsection.

4. Except as specifically provided in this subsection, all fleet vehicles registered pursuant to this section shall be issued a special license plate which shall have the words "Fleet Vehicle" in place of the words "Show-Me State" in the manner prescribed by the advisory committee established in section 301.129. Alternatively, for a one-time additional five dollar per-vehicle fee beyond the regular registration fee, owners of fleet vehicles may apply for fleet license plates bearing a company name or logo. All fleet license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Fleet vehicles shall be issued multiyear license plates as provided in this section which shall not require issuance of a renewal tab **or window sticker**. Upon payment of appropriate registration fees, the director of revenue shall issue a registration certificate or other suitable evidence of payment of the annual or biennial fee, and such evidence of payment shall be carried at all times in the vehicle for which it is issued. The director of revenue shall promulgate rules and regulations establishing the procedure for application and issuance of fleet vehicle license plates.

5. Notwithstanding the provisions of sections 307.350 to 307.390 to the contrary, a fleet vehicle registered in Missouri is exempt from the requirements of sections 307.350 to 307.390, if at the time of the annual fleet registration, such fleet vehicle is situated outside the state of Missouri.

301.130. 1. The director of revenue, upon receipt of a proper application for registration, required fees and any other information which may be required by law, shall issue to the applicant a certificate of registration in such manner and form as the director of revenue may prescribe and a set of license plates, or other evidence of registration, as provided by this section. Each set of license plates shall bear the name or abbreviated name of this state, the words "SHOW-ME STATE", the month and year in which the registration shall expire, and an arrangement of numbers or letters, or both, as shall be assigned from year to year by the director of revenue. The plates shall also contain fully reflective material with a common

color scheme and design for each type of license plate issued pursuant to this chapter. The plates shall be clearly visible at night, and shall be aesthetically attractive. Special plates for qualified disabled veterans will have the “DISABLED VETERAN” wording on the license plates in preference to the words “SHOW-ME STATE” and special plates for members of the national guard will have the “NATIONAL GUARD” wording in preference to the words “SHOW-ME STATE”.

2. The arrangement of letters and numbers of license plates shall be uniform throughout each classification of registration. The director may provide for the arrangement of the numbers in groups or otherwise, and for other distinguishing marks on the plates.

3. All property-carrying commercial motor vehicles to be registered at a gross weight in excess of twelve thousand pounds, all passenger-carrying commercial motor vehicles, local transit buses, school buses, trailers, semitrailers, motorcycles, motortricycles, motorscooters and driveaway vehicles shall be registered with the director of revenue as provided for in subsection 3 of section 301.030, or with the state highways and transportation commission as otherwise provided in this chapter, but only one license plate shall be issued for each such vehicle.

4. The plates issued to manufacturers and dealers shall bear the letters and numbers as prescribed by section 301.560, and the director may place upon the plates other letters or marks to distinguish commercial motor vehicles and trailers and other types of motor vehicles.

5. No motor vehicle or trailer shall be operated on any highway of this state unless it shall have displayed thereon the license plate or set of license plates issued by the director of revenue or the state highways and transportation commission and authorized by section 301.140. Each such plate shall be securely fastened to the motor vehicle or trailer in a manner so that all parts thereof shall be plainly visible and reasonably clean so that the reflective qualities thereof are not impaired. Each such plate may be encased in a transparent cover so long as the plate is plainly visible and its reflective qualities are not impaired. License plates shall be fastened to all motor vehicles except trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand pounds on the front and rear of such vehicles not less than eight nor more than forty-eight inches above the ground, with the letters and numbers thereon right side up. The license plates on trailers, motorcycles, motortricycles and motorscooters shall be displayed on the rear of such vehicles, with the letters and numbers thereon right side up. The license plate on buses, other than school buses, and on trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand pounds shall be displayed on the front of such vehicles not less than eight nor more than forty-eight inches above the ground, with the letters and numbers thereon right side up or if two plates are issued for the vehicle pursuant to subsection 3 of this section, displayed in the same manner on the front and rear of such vehicles. The license plate or plates authorized by section 301.140, when properly attached, shall be prima facie evidence that the required fees have been paid.

6. (1) **Beginning January 1, 2012**, the director of revenue shall issue annually or biennially a [tab or set of tabs] **window sticker, to be placed on the front windshield of the motor vehicle**, as provided by law as evidence of the annual payment of registration fees and the current registration of a vehicle in lieu of the set of plates. **Notwithstanding the provisions of this section, motorcycles and trailers shall be issued license plate tabs in lieu of window stickers.** Beginning January 1, 2010, the director may prescribe any additional information recorded on the tab or tabs **or window sticker** to ensure that the tab or tabs **or the window sticker** positively correlate with the license plate or plates issued by the department of revenue for such vehicle. Such tabs **or window stickers** shall be produced in each license bureau office.

(2) [The vehicle owner to whom a tab or set of tabs is issued shall affix and display such tab or tabs in the designated area of the license plate, no more than one per plate] **The window sticker shall be placed on the inside front window in an area prescribed by the director of revenue. Tabs issued to motorcycles and trailers shall be affixed and displayed in the designated area of the license plate.**

(3) A tab or [set of tabs] **window sticker** issued by the director of revenue when attached to a vehicle in the prescribed manner shall be prima facie evidence that the registration fee for such vehicle has been paid.

(4) Except as otherwise provided in this section, the director of revenue shall issue plates for a period of at least six years.

(5) For those commercial motor vehicles and trailers registered pursuant to section 301.041, the plate issued by the highways and transportation commission shall be a permanent nonexpiring license plate for which no tabs **or window sticker** shall be issued. Nothing in this section shall relieve the owner of any vehicle permanently registered pursuant to this section from the obligation to pay the annual registration fee due for the vehicle. The permanent nonexpiring license plate shall be returned to the highways and transportation commission upon the sale or disposal of the vehicle by the owner to whom the permanent nonexpiring license plate is issued, or the plate may be transferred to a replacement commercial motor vehicle when the owner files a supplemental application with the Missouri highways and transportation commission for the registration of such replacement commercial motor vehicle. Upon payment of the annual registration fee, the highways and transportation commission shall issue a certificate of registration or other suitable evidence of payment of the annual fee, and such evidence of payment shall be carried at all times in the vehicle for which it is issued.

(6) Upon the sale or disposal of any vehicle permanently registered under this section, or upon the termination of a lease of any such vehicle, the permanent nonexpiring plate issued for such vehicle shall be returned to the highways and transportation commission and shall not be valid for operation of such vehicle, or the plate may be transferred to a replacement vehicle when the owner files a supplemental application with the Missouri highways and transportation commission for the registration of such replacement vehicle. If a vehicle which is permanently registered under this section is sold, wrecked or otherwise disposed of, or the lease terminated, the registrant shall be given credit for any unused portion of the annual registration fee when the vehicle is replaced by the purchase or lease of another vehicle during the registration year.

7. The director of revenue and the highways and transportation commission may prescribe rules and regulations for the effective administration of this section. [No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.] **Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.**

8. Notwithstanding the provisions of any other law to the contrary, owners of motor vehicles other than apportioned motor vehicles or commercial motor vehicles licensed in excess of eighteen thousand pounds gross weight may apply for special personalized license plates. Vehicles licensed for eighteen thousand

pounds that display special personalized license plates shall be subject to the provisions of subsections 1 and 2 of section 301.030.

9. No later than January 1, 2009, the director of revenue shall commence the reissuance of new license plates of such design as directed by the director consistent with the terms, conditions, and provisions of this section and this chapter. Except as otherwise provided in this section, in addition to all other fees required by law, applicants for registration of vehicles with license plates that expire during the period of reissuance, applicants for registration of trailers or semitrailers with license plates that expire during the period of reissuance and applicants for registration of vehicles that are to be issued new license plates during the period of reissuance shall pay the cost of the plates required by this subsection. The additional cost prescribed in this subsection shall not be charged to persons receiving special license plates issued under section 301.073 or 301.443. Historic motor vehicle license plates registered pursuant to section 301.131 and specialized license plates are exempt from the provisions of this subsection. Except for new, replacement, and transfer applications, permanent nonexpiring license plates issued to commercial motor vehicles and trailers registered under section 301.041 are exempt from the provisions of this subsection.

301.140. 1. Upon the transfer of ownership of any motor vehicle or trailer, the certificate of registration and the right to use the number plates shall expire and the number plates **and window sticker** shall be removed by the owner at the time of the transfer of possession, and it shall be unlawful for any person other than the person to whom such number plates were originally issued to have the same in his or her possession whether in use or not, unless such possession is solely for charitable purposes; except that the buyer of a motor vehicle or trailer who trades in a motor vehicle or trailer may attach the license plates from the traded-in motor vehicle or trailer to the newly purchased motor vehicle or trailer. The operation of a motor vehicle with such transferred plates shall be lawful for no more than thirty days. **A window sticker shall not be required during the thirty-day time frame.** As used in this subsection, the term “trade-in motor vehicle or trailer” shall include any single motor vehicle or trailer sold by the buyer of the newly purchased vehicle or trailer, as long as the license plates for the trade-in motor vehicle or trailer are still valid.

2. In the case of a transfer of ownership the original owner may register another motor vehicle under the same number, upon the payment of a fee of two dollars, **and payment of a fee as prescribed in section 301.300 for a replacement window sticker**, if the motor vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that originally registered. When such motor vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a greater fee is prescribed, applicant shall pay a transfer fee of two dollars, **the fee prescribed in section 301.300 for a replacement window sticker**, and a pro rata portion for the difference in fees. When such vehicle is of less horsepower, gross weight or (in case of a passenger-carrying commercial motor vehicle) seating capacity, for which a lesser fee is prescribed, applicant shall not be entitled to a refund.

3. License plates may be transferred from a motor vehicle which will no longer be operated to a newly purchased motor vehicle by the owner of such vehicles. The owner shall pay a transfer fee of two dollars, **and payment of a fee as prescribed in section 301.300 for a replacement window sticker**, if the newly purchased vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that of the vehicle which will no longer be operated. When the newly purchased motor vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a greater fee is prescribed, the applicant shall pay a transfer fee of two dollars, **the fee prescribed in section 301.300 for a replacement**

window sticker, and a pro rata portion of the difference in fees. When the newly purchased vehicle is of less horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a lesser fee is prescribed, the applicant shall not be entitled to a refund.

4. Upon the sale of a motor vehicle or trailer by a dealer, a buyer who has made application for registration, by mail or otherwise, may operate the same for a period of thirty days after taking possession thereof, if during such period the motor vehicle or trailer shall have attached thereto, in the manner required by section 301.130, number plates issued to the dealer. Upon application and presentation of proof of financial responsibility as required under subsection 5 of this section and satisfactory evidence that the buyer has applied for registration, a dealer may furnish such number plates to the buyer for such temporary use. In such event, the dealer shall require the buyer to deposit the sum of ten dollars and fifty cents to be returned to the buyer upon return of the number plates as a guarantee that said buyer will return to the dealer such number plates within thirty days. The director shall issue a temporary permit authorizing the operation of a motor vehicle or trailer by a buyer for not more than thirty days of the date of purchase.

5. The temporary permit shall be made available by the director of revenue and may be purchased from the department of revenue upon proof of purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer and upon proof of financial responsibility, or from a dealer upon purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer. The director shall make temporary permits available to registered dealers in this state or authorized agents of the department of revenue in sets of ten permits. The fee for the temporary permit shall be seven dollars and fifty cents for each permit or plate issued. No dealer or authorized agent shall charge more than seven dollars and fifty cents for each permit issued. The permit shall be valid for a period of thirty days from the date of purchase of a motor vehicle or trailer, or from the date of sale of the motor vehicle or trailer by a dealer for which the purchaser obtains a permit as set out above. No permit shall be issued for a vehicle under this section unless the buyer shows proof of financial responsibility.

6. The permit shall be issued on a form prescribed by the director and issued only for the applicant's use in the operation of the motor vehicle or trailer purchased to enable the applicant to legally operate the vehicle while proper title and registration plate are being obtained, and shall be displayed on no other vehicle. Temporary permits issued pursuant to this section shall not be transferable or renewable and shall not be valid upon issuance of proper registration plates for the motor vehicle or trailer. The director shall determine the size and numbering configuration, construction, and color of the permit.

7. The dealer or authorized agent shall insert the date of issuance and expiration date, year, make, and manufacturer's number of vehicle on the permit when issued to the buyer. The dealer shall also insert such dealer's number on the permit. Every dealer that issues a temporary permit shall keep, for inspection of proper officers, a correct record of each permit issued by recording the permit or plate number, buyer's name and address, year, make, manufacturer's vehicle identification number on which the permit is to be used, and the date of issuance.

8. Upon the transfer of ownership of any currently registered motor vehicle wherein the owner cannot transfer the license plates due to a change of vehicle category, the owner may surrender the license plates issued to the motor vehicle and receive credit for any unused portion of the original registration fee against the registration fee of another motor vehicle. Such credit shall be granted based upon the date the license plates are surrendered. No refunds shall be made on the unused portion of any license plates surrendered for such credit.

301.160. Upon approval of the application for registration of a motor vehicle or trailer and when the required fee has been paid to the department of revenue, the department shall forward or deliver to the applicant the registration receipt and the number of license plates prescribed for the vehicle or trailer by section 301.130, or renewal tabs **or window stickers** if appropriate. The attachment to the motor vehicle or trailer specified in the application of current license plates shall be prima facie evidence that the fees have been paid for such license.

301.290. 1. Correctional enterprises of the department of corrections shall purchase, erect and maintain all of the machinery and equipment necessary for the manufacture of the license plates [and], tabs, **and window stickers** issued by the director of revenue, and of signs used by the state transportation department. [Beginning on January 1, 2011, correctional enterprises shall no longer erect and maintain tabs for the department of revenue.]

2. The director of revenue shall procure all plates issued by [him] **the director**, and the state transportation department shall procure all signs used by it from correctional enterprises, unless an emergency arises and correctional enterprises cannot furnish the plates, tabs, **window stickers**, or signs.

3. Correctional enterprises shall furnish the plates and signs at such a price as will not exceed the price at which such plates and signs may be obtained upon the open market, but in no event shall such price be less than the cost of manufacture, including labor and materials.

4. All moneys derived from the sale of the plates, tabs, **window stickers**, and signs shall be paid into the state treasury to the credit of the working capital revolving fund as provided in section 217.595.

301.300. 1. In event of the loss, theft, mutilation or destruction of any certificate of ownership, number plate, tab [or set of tabs] **or window sticker** issued by the director of revenue, the lawful holder thereof shall, within five days, file with the director of revenue, an affidavit showing such fact, and shall, on the payment of a fee of eight dollars and fifty cents, obtain a duplicate or replacement of such plate, certificate, tab [or set of tabs] **or window sticker**. Any duplicate certificate issued for any “motor vehicle primarily for business use”, as defined in section 301.010, shall be issued only to the owner of record.

2. Upon filing affidavit of lost, stolen, mutilated or destroyed certificate of registration, the director of revenue shall issue to the lawful owner a duplicate or replacement thereof upon payment of a fee of eight dollars and fifty cents.

3. Vehicle owners who elect not to transfer or renew multiyear plates shall be charged a fee equal to that charged for a lost plate in addition to the registration fee prescribed by law at the time the new plate or plates are issued.

4. Notwithstanding subsection 1 of this section, a new or used motor vehicle dealer may obtain a duplicate or replacement title in the owner’s name if the owner’s title has been lost, stolen, mutilated, or destroyed and is not available for assignment. In order to obtain the duplicate or replacement title from the department of revenue, the licensed dealer shall procure a power of attorney from the owner authorizing the dealer to obtain a duplicate or replacement title in the owner’s name and sign any title assignments on the owner’s behalf. The application to the department of revenue for the duplicate or replacement title shall be accompanied by the executed power of attorney, or a copy thereof, and the application shall contain the appropriate mailing address of the dealer. The director of the department of revenue is authorized to make all necessary rules and regulations for the administration of this subsection, and shall design all necessary forms required by this subsection. No rule or portion of a rule promulgated pursuant to the authority of this

section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.

301.301. 1. Any person replacing a stolen license plate tab **or window sticker** issued on or after January 1, 2009, may receive at no cost up to two [sets of two] license plate tabs **or window stickers** per year when the application for the replacement tab **or sticker** is accompanied with a police report that is corresponding with the stolen license plate tab **or window sticker**.

2. Any person replacing a stolen license plate tab issued prior to January 1, 2009, may receive at no cost up to two sets of two license plate tabs per year when the application for the replacement tab is accompanied with a notarized affidavit verifying that such license plate tab or tabs were stolen.

301.302. A citation shall not be issued to any person stopped by law enforcement for a missing license plate tab or [tabs] **window sticker** if such person indicates that the tab or [tabs have] **window sticker has** been stolen and a check on such person's vehicle registration reveals that the vehicle is properly registered. A law enforcement officer may issue a warning under these circumstances. In the event a citation is improperly issued to a person for a missing [tabs] **tab or window sticker** when the requirements of this section are met, any court costs shall be waived."; and

Further amend said bill. Page 14, Section 537.293, Line 13 by inserting after all of said section and line the following:

"Section B. Sections 136.055, 301.032, 301.130, 301.140, 301.160, 301.290, 301.300, 301.301, and 301.302, of this act shall become effective January 1, 2012."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SB 55**.

Bill ordered enrolled.

PRIVILEGED MOTIONS

Senator Goodman moved that the Senate refuse to concur in **HCS** for **SS No. 2** for **SCS** for **SB 8**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 17**, with **SCS**, entitled:

An Act to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV,

Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2011 and ending June 30, 2013.

Was taken up by Senator Schaefer.

SCS for **HCS** for **HB 17**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 17

An Act to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2011 and ending June 30, 2013.

Was taken up.

Senator Schaefer moved that **SCS** for **HCS** for **HB 17** be adopted.

Senator Crowell offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 17, Page 2, Section 17.012, Lines 1-10, by striking all of said section from the bill.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Schaefer moved that **SCS** for **HCS** for **HB 17**, as amended, be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS** for **HCS** for **HB 17**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Richard	Ridgeway
Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—31	

NAYS—Senators

Crowell	Lembke	Purgason—3
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HCS for **HB 21**, with **SCS**, entitled:

An Act to appropriate money for purposes for the several departments and offices of state government; for the purchase of equipment; for planning, expenses, and for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems; for grants, refunds, distributions, planning, expenses, and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions; and to transfer money among certain funds, from the funds designated for the fiscal period beginning July 1, 2011 and ending June 30, 2013.

Was taken up by Senator Schaefer.

SCS for **HCS** for **HB 21**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 21

An Act to appropriate money for purposes for the several departments and offices of state government; for the purchase of equipment; for planning, expenses, and for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems; for grants, refunds, distributions, planning, expenses, and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions; and to transfer money among certain funds, from the funds designated for the fiscal period beginning July 1, 2011 and ending June 30, 2013.

Was taken up.

Senator Schaefer moved that **SCS** for **HCS** for **HB 21** be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS** for **HCS** for **HB 21** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Richard	Ridgeway
Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—31	

NAYS—Senators

Crowell	Lembke	Purgason—3
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

REFERRALS

President Pro Tem Mayer referred the Gubernatorial Appointment of Thomas Irwin to the Committee on Gubernatorial Appointments.

HOUSE BILLS ON THIRD READING

HCS for **HB 18**, with **SCS**, entitled:

An Act to appropriate money for purposes for the several departments and offices of state government; for the purchase of equipment; for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements; and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the fiscal period beginning July 1, 2011 and ending June 30, 2013.

Was taken up by Senator Schaefer.

SCS for **HCS** for **HB 18**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 18

An Act to appropriate money for purposes for the several departments and offices of state government; for the purchase of equipment; for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements; and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the fiscal period beginning July 1, 2011 and ending June 30, 2013.

Was taken up.

Senator Schaefer moved that **SCS** for **HCS** for **HB 18** be adopted.

Senator Lembke offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 18, Page 4, Section 18.050, Line 8, by striking the number “\$8,829,383E” and inserting in lieu thereof the following: “\$2,568,353”.

Senator Lembke moved that the above amendment be adopted, which motion failed.

Senator Stouffer assumed the Chair.

Senator Pearce assumed the Chair.

Senator Lembke offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 18, Page 5, Section 18.060, Line 10, by striking the number “\$3,734,508” and inserting in lieu thereof the following: “\$911,604”.

Senator Lembke moved that the above amendment be adopted.

Senator Schaefer requested a roll call vote be taken on the adoption of **SA 2** and was joined in his request by Senators Brown, Engler, Munzlinger and Wasson.

Senator Stouffer assumed the Chair.

Senator Pearce assumed the Chair.

Senator Kehoe assumed the Chair.

Senator Dixon assumed the Chair.

Senator Kraus offered **SA 1** to **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 2

Amend Senate Amendment No.2 to Senate Committee Substitute for House Committee Substitute for House Bill No. 18, Page 5, Section 18.060, Line 3, by striking the number “\$911,604” and inserting in lieu thereof the following: “\$911,602”.

Senator Kraus moved that the above amendment be adopted.

Senator Kehoe assumed the Chair.

Senator Crowell assumed the Chair.

At the request of Senator Lembke, **SA 2** was withdrawn rendering **SA 1** to **SA 2** moot.

Senator Lager offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 18, Page 5, Section 18.075, Line 9, by striking the number “\$115,877,446E” and inserting in lieu thereof the following: “\$101,795,122”; and

Further amend Page 8, Section 18.125, line 10 by striking the number “\$1,766,281” and inserting in lieu thereof the following: “\$1,556,324”; and

Further amend page 10, Section 18.145, Line 12, by striking the number “\$861,388” and inserting in lieu thereof the following: “\$667,585”.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Schaefer moved that **SCS** for **HCS** for **HB 18**, as amended, be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS** for **HCS** for **HB 18**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Curls	Dempsey	Dixon	Engler	Justus	Keaveny
Kehoe	Lager	Mayer	Munzlinger	Parson	Pearce	Richard	Rupp
Schaefer	Schmitt	Stouffer	Wasson—20				

NAYS—Senators

Crowell	Cunningham	Goodman	Kraus	Lembke	Nieves	Schaaf	Wright-Jones—8
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Absent—Senators

Chappelle-Nadal	Green	Lamping	McKenna	Purgason	Ridgeway—6
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senator Nieves offered Senate Resolution No. 974, regarding Ridge Meadows Elementary School, Ellisville, which was adopted.

Senator Kehoe offered Senate Resolution No. 975, regarding Betty and Harry Kliethermes, which was adopted.

Senator Kehoe offered Senate Resolution No. 976, regarding Deputy Justin Rollins, which was adopted.

Senator Kehoe offered Senate Resolution No. 977, regarding Mary Frank, which was adopted.

Senator Kehoe offered Senate Resolution No. 978, regarding Carl Porting, which was adopted.

Senator Kehoe offered Senate Resolution No. 979, regarding Carl Nappier, which was adopted.

Senator Kehoe offered Senate Resolution No. 980, regarding the Coca-Cola Bottling Company, Jefferson City, which was adopted.

Senator Dempsey offered Senate Resolution No. 981, regarding Richard Jensen, which was adopted.

Senator Dempsey offered Senate Resolution No. 982, regarding Richard Duree, which was adopted.

Senator Dempsey offered Senate Resolution No. 983, regarding Tim and Tommy Luter and Bob and Lynn Miller, which was adopted.

Senator Dempsey offered Senate Resolution No. 984, regarding Rob Forsyth and Daniel Duncan, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 985, regarding the death of Georgiarette Theola Glenn, which was adopted.

Senator Dixon offered Senate Resolution No. 986, regarding Eric Hillgren, which was adopted.

Senator Dixon offered Senate Resolution No. 987, regarding Bailey Alternative High School, which was adopted.

Senator Parson offered Senate Resolution No. 988, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. John Leary, Sedalia, which was adopted.

Senator Parson offered Senate Resolution No. 989, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Larry Nicholson, Buffalo, which was adopted.

Senator Keaveny offered Senate Resolution No. 990, regarding Michael Sipes, St. Joseph, which was adopted.

Senator Lager offered Senate Resolution No. 991, regarding Fred “Freddie” Griffin, Jr., Trenton, which was adopted.

Senator Lager offered Senate Resolution No. 992, regarding Rosemary Whitt, Maysville, which was adopted.

Senator Lager offered Senate Resolution No. 993, regarding the One Hundredth Birthday of Helen Criswell Gibbins, King City, which was adopted.

Senator Lager offered Senate Resolution No. 994, regarding Jim “Jimbo” Jarrett, Cosby, which was adopted.

Senator Schaaf offered Senate Resolution No. 995, regarding Neil Jackson, which was adopted.

Senator Schaaf offered Senate Resolution No. 996, regarding Molly K. Mathews, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Richard introduced to the Senate, Phillip Cook and his son, Cooper, Carl Junction.

On behalf of Senator Pearce, the President introduced to the Senate, Timothy Campbell, Olathe, Kansas.

Senator Engler introduced to the Senate, Director Kurt Bauche, Linda Huck and members of the Farmington High School Brass Sextet.

Senator Cunningham introduced to the Senate, her son, Lieutenant Scott Cunningham, Chesterfield.

Senator Schaaf introduced to the Senate, Mayor Bill Faulkner, St. Joseph.

Senator Schaefer introduced to the Senate, Becky Elder and forty students from West Boulevard Elementary School, Columbia.

Senator Purgason introduced to the Senate, Sarah Land and Kathy Grigsby and sixty fourth grade students from West Plains Elementary School.

Senator Lager introduced to the Senate, fourth and sixth grade students from South Nodaway R-IV Elementary School, Barnard.

Senator Schmitt introduced to the Senate, David Wilson and John Diehl, Sr., Manchester.

Senator Mayer introduced to the Senate, Ken Edmunds and Mike Jones.

Senator Rupp introduced to the Senate, eighth grade students from St. Joseph School-Cottleville.

Senator Nieves introduced to the Senate, Andrew Wurdack, Wildwood.

Senator Schaaf introduced to the Senate, the Physician of the Day, Dr. Glenn Talboy, M.D., Kansas City.

On motion of Senator Dempsey, the Senate adjourned until 3:00 p.m., Wednesday, May 4, 2011.

SENATE CALENDAR

SIXTY-THIRD DAY—WEDNESDAY, MAY 4, 2011

FORMAL CALENDAR

VETOED BILLS

SCS for SB 188-Lager, et al

HOUSE BILLS ON SECOND READING

HCS for HB 773

HCS for HJR 16

HCS for HB 552

HCS for HB 787

HCS for HB 597

HJR 27-Brattin, et al

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna (In Fiscal Oversight)

SB 204-Dempsey, et al (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 260-Wasson, with SCS
2. SB 425-Goodman, with SCS
3. SB 400-Kraus, with SCS
4. SB 392-Rupp, with SCS
5. SB 403-Nieves
6. SB 329-Nieves
7. SB 353-Engler
8. SJR 16-Goodman, with SCS
9. SB 391-Lager
10. SB 253-Callahan and Cunningham, with SCS

11. SB 223-Mayer
12. SB 119-Schaefer
13. SB 150-Munzlinger
14. SB 84-Wright-Jones
15. SB 45-Wright-Jones
16. SB 14-Pearce, with SCS
17. SB 281-Kraus
18. SB 399-Kraus
19. SB 44-Wright-Jones

HOUSE BILLS ON THIRD READING

HB 190-Ruzicka (Brown)	HCS for HB 578, with SCS (Lager)
HCS for HB 250, with SCS (Stouffer)	HB 737-Redmon and Shumake, with SCS (Lager)
HB 101-Loehner, with SCS (Cunningham)	HB 183-Silvey (Kraus)
HB 462-Pollock, with SCS (Lager)	HCS for HB 22, with SCS (Schaefer)
HCS for HB 89, with SCS (Lager)	
(In Fiscal Oversight)	

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt	SS for SB 231-Lager
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SENATE BILLS FOR PERFECTION

SBs 1 & 206-Ridgeway, with SCS & SA 1 (pending)	SB 200-Crowell
SBs 7, 5, 74 & 169-Goodman, with SCS	SB 203-Schmitt, et al, with SS (pending)
SB 10-Rupp	SB 208-Lager
SB 23-Keaveny, with SCS & SS for SCS (pending)	SB 209-Lager
SB 25-Schaaf, with SCS & SS for SCS (pending)	SB 228-Pearce
SB 28-Brown	SB 242-Cunningham, with SCS & SS for SCS (pending)
SB 37-Lembke, with SCS	SB 247-Pearce, with SS (pending)
SB 52-Cunningham	SB 264-Rupp, with SCS
SB 72-Kraus, with SS (pending)	SB 278-Munzlinger, et al
SBs 88 & 82-Schaaf, with SCS & SA 1 (pending)	SB 280-Purgason, et al, with SCS & SS for SCS (pending)
SB 120-Stouffer, with SS (pending)	SBs 291, 184 & 294-Pearce, with SCS & SA 4 (pending)
SB 130-Rupp, with SCS & SS for SCS (pending)	SB 299-Munzlinger, with SCS (pending)
SB 155-Rupp, with SCS	SB 326-Wasson
SB 175-Munzlinger, et al, with SA 1 (pending)	SBs 369 & 370-Cunningham, with SCS
SB 176-Munzlinger, et al	SB 390-Schmitt, et al
SBs 189, 217, 246, 252 & 79-Schmitt, with SCS	SBs 408 & 80-Crowell, with SCS
	SB 420-Mayer, with SCS
	SJR 11-Munzlinger, with SCS
	SJR 15-Nieves, et al, with SS (pending)

HOUSE BILLS ON THIRD READING

HCS for HB 61	HCS for HB 545, with SCS & SS for SCS
HB 71-Nasheed, et al	(pending) (Schaaf)
HCS for HBs 112 & 285, with SCS (Brown)	HCS for HB 556
HCS for HB 143 (Goodman)	HCS#2 for HB 609, with SCS (Wasson)
HB 282-Franz, with SCS (Crowell)	HB 648-Montecillo, with SS (pending) (Rupp)
HCS for HBs 294, 123, 125, 113, 271 & 215,	HB 738-Nasheed, et al, with SCS (pending)
with SCS & SS for SCS (pending) (Munzlinger)	(Cunningham)
HCS for HB 336 (Schmitt)	HJR 2-McGhee, et al (Goodman)
HCS for HB 338 (Lager)	HJR 6-Cierpiot, et al (Cunningham)
HB 361-Leara (Cunningham)	HJR 29-Solon, et al, with SA 1 (pending)
HB 442-Franz, with SA 2 (pending) (Parson)	(Munzlinger)

SENATE BILLS WITH HOUSE AMENDMENTS

SS for SCS for SB 58-Stouffer and	SJR 2-Stouffer, with HCS#2
Lembke, with HCS, as amended	

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 2, with SCS (Schaefer)	HCS for HB 8, with SCS (Schaefer)
HCS for HB 3, with SCS (Schaefer)	HCS for HB 9, with SCS (Schaefer)
HCS for HB 4, with SCS (Schaefer)	HCS for HB 10, with SCS (Schaefer)
HCS for HB 5, with SCS (Schaefer)	HCS for HB 11, with SCS (Schaefer)
HCS for HB 6, with SCS (Schaefer)	HCS for HB 12, with SCS (Schaefer)
HCS for HB 7, with SCS, as amended (Schaefer)	HCS for HB 13, with SCS (Schaefer)

Requests to Recede or Grant Conference

SS#2 for SCS for SB 8-Goodman, with HCS,
as amended
(Senate requests House recede or grant conference)

RESOLUTIONS

Reported from Committee

SR 179-Purgason

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Journal of the Senate

FIRST REGULAR SESSION

SIXTY-THIRD DAY—WEDNESDAY, MAY 4, 2011

The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

“Government is not warfare of interests. We shall not gain our ends by heat and bitterness, which make it impossible to think either calmly or fairly...” (Woodrow Wilson)

Gracious God, it has already been an interesting week and yet there is much to be accomplished, while heat and frustrations grow, making things more difficult. Help us, O Lord, to obtain a spirit of cooperation and helpfulness in a calm and just atmosphere. Help us do what is right in Your eyes and benefit the most people we serve. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Dempsey announced that photographers from Missouri News Horizon, KOMU-TV and ABC-17 News were given permission to take pictures in the Senate Chamber today.

President Kinder assumed the Chair.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 997, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Delmar Feiste, which was adopted.

Senator Crowell offered Senate Resolution No. 998, regarding Scott County Central High School, Sikeston, which was adopted.

Senator Brown offered Senate Resolution No. 999, regarding the Honorable John A. Clayton, Vienna, which was adopted.

Senator Brown offered Senate Resolution No. 1000, regarding Joseph F. Alexander, Steelville, which was adopted.

Senator Brown offered Senate Resolution No. 1001, regarding Sandra Dooley, Edgar Springs, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1002, regarding Jerry Cannon, Saint Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1003, regarding Yeatman-Liddell Middle School, Saint Louis City School District, which was adopted.

Senator Nieves offered Senate Resolution No. 1004, regarding Tobias Scott Callaway, Saint Louis, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 1005, regarding Myles Shelby, which was adopted.

Senator Richard offered Senate Resolution No. 1006, regarding Frank Buchanan, which was adopted.

Senator Lembke offered Senate Resolution No. 1007, regarding Timothy Ellebracht, St. Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 1008, regarding Meredith A. Davis, Saint Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 1009, regarding Daniel Henkey, Saint Louis, which was adopted.

Senator Nieves offered Senate Resolution No. 1010, regarding Andrew Brent Wurdack, Wildwood, which was adopted.

Senator Lager offered Senate Resolution No. 1011, regarding Andrew Abbott, Savannah, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1012, regarding Vanessa Perou, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1013, regarding Ashley Cook, Jefferson City, which was adopted.

Senator Curls offered Senate Resolution No. 1014, regarding Jakie Wellman, Southampton, England, which was adopted.

Senator Engler offered Senate Resolution No. 1015, regarding Don Huff, which was adopted.

Senator Engler offered Senate Resolution No. 1016, regarding James Layton, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 101**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 135**, entitled:

An Act to repeal sections 253.082, 253.090, 260.262, 260.380, 260.475, 260.965, 306.109, 319.132, 414.072, 644.036, and 644.054, RSMo, and to enact in lieu thereof seventeen new sections relating to environmental protection, with penalty provisions and an emergency clause for certain sections.

With House Amendment Nos. 1, 2 and 3.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 135, Page 11, Section 640.045, Line 8, by inserting after all of said section the following:

“640.116. 1. Any water system that exclusively serves a charitable or benevolent organization, if the system does not regularly serve an average of one hundred persons or more at least sixty days out of the year and the system does not serve a school or day-care facility, shall be exempt from all rules relating to well construction except any rules established under sections 256.600 to 256.640 applying to multifamily wells, unless such wells or pump installations for such wells are determined to present a threat to groundwater or public health.

2. If the system incurs three or more total coliform maximum contaminant level violations in a twelve-month period or one acute maximum contaminant level violation, the system owner shall either provide an alternate source of water, eliminate the source of contamination, or provide treatment that reliably achieves at least ninety-nine and ninety-nine one-hundredths percent treatment of viruses.

3. Notwithstanding this or any other provision of law to the contrary, no facility otherwise described in subsection 1 of this section shall be required to replace, change, upgrade, or otherwise be compelled to alter an existing well constructed prior to August 28, 2011, unless such well is determined to present a threat to groundwater or public health or contains the contaminant levels referred to in subsection 2 of this section.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 135, Page 7, Section 260.965, Line 2, by inserting after all of said line the following:

“306.108. 1. It shall be unlawful for any person to operate, play, or permit the operation of any

public speaking system transmitter, sound amplification device, or any other type of device, mechanical or electronic, to emit or direct music, spoken words, or sounds that can be heard on the Lake of the Ozarks which when measured from a distance of fifty feet or more exceeds eighty decibels on an A-weighted scale during the hours of 7:01 a.m. to 10:00 p.m., or exceeds seventy decibels during the hours of 10:01 p.m. to 7:00 a.m.

2. This section does not supersede any local laws or ordinances regulating noise in the area.

3. Any person who violates the provisions of this section shall be punished by imprisonment not to exceed ninety days or a fine up to five hundred dollars or both imprisonment and a fine.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 135, Page 4, Section 260.269, Line 5, by inserting immediately after the word “fuel” on said line the following:

“except in a permitted facility”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 173**, entitled:

An Act to repeal sections 21.920, 227.107, 319.016, and 319.025, RSMo, and to enact in lieu thereof six new sections relating to transportation and infrastructure.

With House Amendment Nos. 1, 2, 3, 4, 5, 6, 7 and 8.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 173, Page 1, In the Title, Line 3, by striking the following on said line “transportation and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 173, Page 7, Section 227.107, Line 138 by inserting after all of said section and line the following:

“**227.430. The portion of Missouri Highway 30 from State Route NN north three miles to one tenth of a mile southwest of old Missouri 30 in Jefferson County shall be designated the “SFC Wm. Brian Woods, Jr. Memorial Highway”. The department of transportation shall erect and maintain appropriate signs designating such highway, with the cost to be paid for by private donations.**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 173, Page 10, Section 249.425, Line 97 by

inserting after said line the following:

“302.309. 1. Whenever any license is suspended pursuant to sections 302.302 to 302.309, the director of revenue shall return the license to the operator immediately upon the termination of the period of suspension and upon compliance with the requirements of chapter 303.

2. Any operator whose license is revoked pursuant to these sections, upon the termination of the period of revocation, shall apply for a new license in the manner prescribed by law.

3. (1) All circuit courts, the director of revenue, or a commissioner operating under section 478.007 shall have jurisdiction to hear applications and make eligibility determinations granting limited driving privileges. Any application may be made in writing to the director of revenue and the person’s reasons for requesting the limited driving privilege shall be made therein.

(2) When any court of record having jurisdiction or the director of revenue finds that an operator is required to operate a motor vehicle in connection with any of the following:

(a) [A business, occupation, or] **Driving to or from the operator’s places of employment;**

(b) [Seeking medical treatment for such operator;

(c)] Attending school or other institution of higher education;

[(d)] (c) Attending alcohol or drug treatment programs; **or**

[(e)] (d) Seeking the required services of a certified ignition interlock device provider; [or

(f) Any other circumstance the court or director finds would create an undue hardship on the operator;] the court or director may grant such limited driving privilege as the circumstances of the case justify if the court or director finds undue hardship would result to the individual, and while so operating a motor vehicle within the restrictions and limitations of the limited driving privilege the driver shall not be guilty of operating a motor vehicle without a valid license.

(3) An operator may make application to the proper court in the county in which such operator resides or in the county in which is located the operator’s principal place of business or employment. Any application for a limited driving privilege made to a circuit court shall name the director as a party defendant and shall be served upon the director prior to the grant of any limited privilege, and shall be accompanied by a copy of the applicant’s driving record as certified by the director. Any applicant for a limited driving privilege shall have on file with the department of revenue proof of financial responsibility as required by chapter 303. Any application by a person who transports persons or property as classified in section 302.015 may be accompanied by proof of financial responsibility as required by chapter 303, but if proof of financial responsibility does not accompany the application, or if the applicant does not have on file with the department of revenue proof of financial responsibility, the court or the director has discretion to grant the limited driving privilege to the person solely for the purpose of operating a vehicle whose owner has complied with chapter 303 for that vehicle, and the limited driving privilege must state such restriction. When operating such vehicle under such restriction the person shall carry proof that the owner has complied with chapter 303 for that vehicle.

(4) No limited driving privilege shall be issued to any person otherwise eligible under the provisions of paragraph (a) of subdivision (6) of this subsection on a license revocation resulting from a conviction under subdivision (9) of subsection 1 of section 302.302, or a license denial under paragraph (a) or (b) of subdivision (8) of this subsection, until the applicant has filed proof with the department of revenue that any

motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of limited driving privilege.

(5) The court order or the director's grant of the limited or restricted driving privilege shall indicate the termination date of the privilege, which shall be not later than the end of the period of suspension or revocation. A copy of any court order shall be sent by the clerk of the court to the director, and a copy shall be given to the driver which shall be carried by the driver whenever such driver operates a motor vehicle. The director of revenue upon granting a limited driving privilege shall give a copy of the limited driving privilege to the applicant. The applicant shall carry a copy of the limited driving privilege while operating a motor vehicle. A conviction which results in the assessment of points pursuant to section 302.302, other than a violation of a municipal stop sign ordinance where no accident is involved, against a driver who is operating a vehicle pursuant to a limited driving privilege terminates the privilege, as of the date the points are assessed to the person's driving record. If the date of arrest is prior to the issuance of the limited driving privilege, the privilege shall not be terminated. Failure of the driver to maintain proof of financial responsibility, as required by chapter 303, or to maintain proof of installation of a functioning, certified ignition interlock device, as applicable, shall terminate the privilege. The director shall notify by ordinary mail the driver whose privilege is so terminated.

(6) Except as provided in subdivision (8) of this subsection, no person is eligible to receive a limited driving privilege who at the time of application for a limited driving privilege has previously been granted such a privilege within the immediately preceding five years, or whose license has been suspended or revoked for the following reasons:

(a) A conviction of violating the provisions of section 577.010 or 577.012, or any similar provision of any federal or state law, or a municipal or county law where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney in writing, until the person has completed the first thirty days of a suspension or revocation imposed pursuant to this chapter;

(b) A conviction of any felony in the commission of which a motor vehicle was used;

(c) Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5), (6), (7), (8), (9), (10) or (11) of section 302.060;

(d) Because of operating a motor vehicle under the influence of narcotic drugs, a controlled substance as defined in chapter 195, or having left the scene of an accident as provided in section 577.060;

(e) Due to a revocation for the first time for failure to submit to a chemical test pursuant to section 577.041 or due to a refusal to submit to a chemical test in any other state, if such person has not completed the first ninety days of such revocation;

(f) Violation more than once of the provisions of section 577.041 or a similar implied consent law of any other state; or

(g) Due to a suspension pursuant to subsection 2 of section 302.525 and who has not completed the first thirty days of such suspension, provided the person is not otherwise ineligible for a limited driving privilege; or due to a revocation pursuant to subsection 2 of section 302.525 if such person has not completed such revocation.

(7) No person who possesses a commercial driver's license shall receive a limited driving privilege

issued for the purpose of operating a commercial motor vehicle if such person's driving privilege is suspended, revoked, canceled, denied, or disqualified. Nothing in this section shall prohibit the issuance of a limited driving privilege for the purpose of operating a noncommercial motor vehicle provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege.

(8) (a) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of ten years, as prescribed in subdivision (9) of section 302.060, to apply for a limited driving privilege pursuant to this subsection if such person has served at least three years of such disqualification or revocation. Such person shall present evidence satisfactory to the court or the director that such person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding three years and that the person's habits and conduct show that the person no longer poses a threat to the public safety of this state.

(b) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege or convicted of involuntary manslaughter while operating a motor vehicle in an intoxicated condition, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of five years because of two convictions of driving while intoxicated, as prescribed in subdivision (10) of section 302.060, to apply for a limited driving privilege pursuant to this subsection if such person has served at least two years of such disqualification or revocation. Such person shall present evidence satisfactory to the court or the director that such person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding two years and that the person's habits and conduct show that the person no longer poses a threat to the public safety of this state. Any person who is denied a license permanently in this state because of an alcohol-related conviction subsequent to a restoration of such person's driving privileges pursuant to subdivision (9) of section 302.060 shall not be eligible for limited driving privilege pursuant to the provisions of this subdivision.

(9) A DWI docket or court established under section 478.007 may grant a limited driving privilege to a participant in or graduate of the program who would otherwise be ineligible for such privilege under another provision of law. The DWI docket or court shall not grant a limited driving privilege to a participant during his or her initial forty-five days of participation.

4. Any person who has received notice of denial of a request of limited driving privilege by the director of revenue may make a request for a review of the director's determination in the circuit court of the county in which the person resides or the county in which is located the person's principal place of business or employment within thirty days of the date of mailing of the notice of denial. Such review shall be based upon the records of the department of revenue and other competent evidence and shall be limited to a review of whether the applicant was statutorily entitled to the limited driving privilege.

5. The director of revenue shall promulgate rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review,

to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.”; and

Further amend said bill, Page 11, Section 319.025, Line 38 by inserting after said line the following:

“577.023. 1. For purposes of this section, unless the context clearly indicates otherwise:

(1) An “aggravated offender” is a person who:

(a) Has pleaded guilty to or has been found guilty of three or more intoxication-related traffic offenses;
or

(b) Has pleaded guilty to or has been found guilty of one or more intoxication-related traffic offense and, in addition, any of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024; murder in the second degree under section 565.021, where the underlying felony is an intoxication-related traffic offense; or assault in the second degree under subdivision (4) of subsection 1 of section 565.060; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082;

(2) A “chronic offender” is:

(a) A person who has pleaded guilty to or has been found guilty of four or more intoxication-related traffic offenses; or

(b) A person who has pleaded guilty to or has been found guilty of, on two or more separate occasions, any combination of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024; murder in the second degree under section 565.021, where the underlying felony is an intoxication-related traffic offense; assault in the second degree under subdivision (4) of subsection 1 of section 565.060; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082; or

(c) A person who has pleaded guilty to or has been found guilty of two or more intoxication-related traffic offenses and, in addition, any of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024; murder in the second degree under section 565.021, where the underlying felony is an intoxication-related traffic offense; assault in the second degree under subdivision (4) of subsection 1 of section 565.060; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082;

(3) “Continuous alcohol monitoring”, automatically testing breath, blood, or transdermal alcohol concentration levels and tampering attempts at least once every hour, regardless of the location of the person who is being monitored, and regularly transmitting the data. Continuous alcohol monitoring shall be considered an electronic monitoring service under subsection 3 of section 217.690;

(4) An “intoxication-related traffic offense” is driving while intoxicated, driving with excessive blood alcohol content, involuntary manslaughter pursuant to subdivision (2) or (3) of subsection 1 of section 565.024, murder in the second degree under section 565.021, where the underlying felony is an intoxication-related traffic offense, assault in the second degree pursuant to subdivision (4) of subsection 1 of section 565.060, assault of a law enforcement officer in the second degree pursuant to subdivision (4) of subsection 1 of section 565.082, or driving under the influence of alcohol or drugs in violation of state law or a county or municipal ordinance;

(5) A “persistent offender” is one of the following:

(a) A person who has pleaded guilty to or has been found guilty of two or more intoxication-related traffic offenses;

(b) A person who has pleaded guilty to or has been found guilty of involuntary manslaughter pursuant to subdivision (2) or (3) of subsection 1 of section 565.024, assault in the second degree pursuant to subdivision (4) of subsection 1 of section 565.060, assault of a law enforcement officer in the second degree pursuant to subdivision (4) of subsection 1 of section 565.082; and

(6) A “prior offender” is a person who has pleaded guilty to or has been found guilty of one intoxication-related traffic offense, where such prior offense occurred within five years of the occurrence of the intoxication-related traffic offense for which the person is charged.

2. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or 577.012 who is alleged and proved to be a prior offender shall be guilty of a class A misdemeanor.

3. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or 577.012 who is alleged and proved to be a persistent offender shall be guilty of a class D felony.

4. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or section 577.012 who is alleged and proved to be an aggravated offender shall be guilty of a class C felony.

5. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or section 577.012 who is alleged and proved to be a chronic offender shall be guilty of a class B felony.

6. No state, county, or municipal court shall suspend the imposition of sentence as to a prior offender, persistent offender, aggravated offender, or chronic offender under this section nor sentence such person to pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding.

(1) No prior offender shall be eligible for parole or probation until he or she has served a minimum of ten days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least thirty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established pursuant to section 478.007 or other court-ordered treatment program, if available, **and as part of either program, the offender performs at least thirty days of community service under the supervision of the court.**

(2) No persistent offender shall be eligible for parole or probation until he or she has served a minimum of thirty days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least sixty days of community service under the supervision of the court; or

(b) The offender participates in and successfully completes a program established pursuant to section 478.007 or other court-ordered treatment program, if available, **and as part of either program, the offender performs at least thirty days of community service under the supervision of the court.**

(3) No aggravated offender shall be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment.

(4) No chronic offender shall be eligible for parole or probation until he or she has served a minimum of two years imprisonment. In addition to any other terms or conditions of probation, the court shall consider, as a condition of probation for any person who pleads guilty to or is found guilty of an intoxication-related traffic offense, requiring the offender to abstain from consuming or using alcohol or any products containing alcohol as demonstrated by continuous alcohol monitoring or by verifiable breath alcohol testing performed a minimum of four times per day as scheduled by the court for such duration as determined by the court, but not less than ninety days. The court may, in addition to imposing any other fine, costs, or assessments provided by law, require the offender to bear any costs associated with continuous alcohol monitoring or verifiable breath alcohol testing.

7. The state, county, or municipal court shall find the defendant to be a prior offender, persistent offender, aggravated offender, or chronic offender if:

(1) The indictment or information, original or amended, or the information in lieu of an indictment pleads all essential facts warranting a finding that the defendant is a prior offender or persistent offender; and

(2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding beyond a reasonable doubt the defendant is a prior offender, persistent offender, aggravated offender, or chronic offender; and

(3) The court makes findings of fact that warrant a finding beyond a reasonable doubt by the court that the defendant is a prior offender, persistent offender, aggravated offender, or chronic offender.

8. In a jury trial, the facts shall be pleaded, established and found prior to submission to the jury outside of its hearing.

9. In a trial without a jury or upon a plea of guilty, the court may defer the proof in findings of such facts to a later time, but prior to sentencing.

10. The defendant shall be accorded full rights of confrontation and cross-examination, with the opportunity to present evidence, at such hearings.

11. The defendant may waive proof of the facts alleged.

12. Nothing in this section shall prevent the use of presentence investigations or commitments.

13. At the sentencing hearing both the state, county, or municipality and the defendant shall be permitted to present additional information bearing on the issue of sentence.

14. The pleas or findings of guilt shall be prior to the date of commission of the present offense.

15. The court shall not instruct the jury as to the range of punishment or allow the jury, upon a finding of guilt, to assess and declare the punishment as part of its verdict in cases of prior offenders, persistent offenders, aggravated offenders, or chronic offenders.

16. Evidence of a prior conviction, plea of guilty, or finding of guilt in an intoxication-related traffic offense shall be heard and determined by the trial court out of the hearing of the jury prior to the submission of the case to the jury, and shall include but not be limited to evidence received by a search of the records of the Missouri uniform law enforcement system, including criminal history records from the central repository or records from the driving while intoxicated tracking system (DWITS) maintained by the Missouri state highway patrol, or the certified driving record maintained by the Missouri department of

revenue. After hearing the evidence, the court shall enter its findings thereon. A plea of guilty or a finding of guilt followed by incarceration, a fine, a suspended imposition of sentence, suspended execution of sentence, probation or parole or any combination thereof in any intoxication-related traffic offense in a state, county or municipal court or any combination thereof, shall be treated as a prior plea of guilty or finding of guilt for purposes of this section.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 173, Page 7, Section 227.107, Line 138 by inserting after all of said section and line the following:

“227.410. [The portion of U.S. Highway 160 in Greene County from the intersection of Farm Road 142 to the intersection of West Sunshine Street shall be designated the “Rabbi Abraham Joshua Heschel Memorial Highway”.] **The portion of U.S. Highway 160 in Greene County from the intersection of West Mount Vernon Street to one-half mile south of the intersection of West Sunshine Street shall be designated the “Rabbi Ernest I. Jacob Memorial Highway”.** The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs for such designation to be paid for by private donation.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 173, Page 10, Section 249.425, Line 97, by inserting immediately after said line the following:

“304.180. 1. No vehicle or combination of vehicles shall be moved or operated on any highway in this state having a greater weight than twenty thousand pounds on one axle, no combination of vehicles operated by transporters of general freight over regular routes as defined in section 390.020 shall be moved or operated on any highway of this state having a greater weight than the vehicle manufacturer’s rating on a steering axle with the maximum weight not to exceed twelve thousand pounds on a steering axle, and no vehicle shall be moved or operated on any state highway of this state having a greater weight than thirty-four thousand pounds on any tandem axle; the term “tandem axle” shall mean a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart.

2. An “axle load” is defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.

3. Subject to the limit upon the weight imposed upon a highway of this state through any one axle or on any tandem axle, the total gross weight with load imposed by any group of two or more consecutive axles of any vehicle or combination of vehicles shall not exceed the maximum load in pounds as set forth in the following table:

Distance in feet
between the extremes
of any group of two or

more consecutive axles,
measured to the nearest
foot, except where
indicated otherwise

feet	Maximum load in pounds				
	2 axles	3 axles	4 axles	5 axles	6 axles
4	34,000				
5	34,000				
6	34,000				
7	34,000				
8	34,000	34,000			
More than 8	38,000	42,000			
9	39,000	42,500			
10	40,000	43,500			
11	40,000	44,000			
12	40,000	45,000	50,000		
13	40,000	45,500	50,500		
14	40,000	46,500	51,500		
15	40,000	47,000	52,000		
16	40,000	48,000	52,500	58,000	
17	40,000	48,500	53,500	58,500	
18	40,000	49,500	54,000	59,000	
19	40,000	50,000	54,500	60,000	
20	40,000	51,000	55,500	60,500	66,000
21	40,000	51,500	56,000	61,000	66,500
22	40,000	52,500	56,500	61,500	67,000
23	40,000	53,000	57,500	62,500	68,000
24	40,000	54,000	58,000	63,000	68,500
25	40,000	54,500	58,500	63,500	69,000
26	40,000	55,500	59,500	64,000	69,500
27	40,000	56,000	60,000	65,000	70,000
28	40,000	57,000	60,500	65,500	71,000
29	40,000	57,500	61,500	66,000	71,500

30	40,000	58,500	62,000	66,500	72,000
31	40,000	59,000	62,500	67,500	72,500
32	40,000	60,000	63,500	68,000	73,000
33	40,000	60,000	64,000	68,500	74,000
34	40,000	60,000	64,500	69,000	74,500
35	40,000	60,000	65,500	70,000	75,000
36		60,000	66,000	70,500	75,500
37		60,000	66,500	71,000	76,000
38		60,000	67,500	72,000	77,000
39		60,000	68,000	72,500	77,500
40		60,000	68,500	73,000	78,000
41		60,000	69,500	73,500	78,500
42		60,000	70,000	74,000	79,000
43		60,000	70,500	75,000	80,000
44		60,000	71,500	75,500	80,000
45		60,000	72,000	76,000	80,000
46		60,000	72,500	76,500	80,000
47		60,000	73,500	77,500	80,000
48		60,000	74,000	78,000	80,000
49		60,000	74,500	78,500	80,000
50		60,000	75,500	79,000	80,000
51		60,000	76,000	80,000	80,000
52		60,000	76,500	80,000	80,000
53		60,000	77,500	80,000	80,000
54		60,000	78,000	80,000	80,000
55		60,000	78,500	80,000	80,000
56		60,000	79,500	80,000	80,000
57		60,000	80,000	80,000	80,000

Notwithstanding the above table, two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each if the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.

4. Whenever the state highways and transportation commission finds that any state highway bridge in the state is in such a condition that use of such bridge by vehicles of the weights specified in subsection 3

of this section will endanger the bridge, or the users of the bridge, the commission may establish maximum weight limits and speed limits for vehicles using such bridge. The governing body of any city or county may grant authority by act or ordinance to the state highways and transportation commission to enact the limitations established in this section on those roadways within the purview of such city or county. Notice of the weight limits and speed limits established by the commission shall be given by posting signs at a conspicuous place at each end of any such bridge.

5. Nothing in this section shall be construed as permitting lawful axle loads, tandem axle loads or gross loads in excess of those permitted under the provisions of Section 127 of Title 23 of the United States Code.

6. Notwithstanding the weight limitations contained in this section, any vehicle or combination of vehicles operating on highways other than the interstate highway system may exceed single axle, tandem axle and gross weight limitations in an amount not to exceed two thousand pounds. However, total gross weight shall not exceed eighty thousand pounds, except as provided in subsection 9 of this section.

7. Notwithstanding any provision of this section to the contrary, the department of transportation shall issue a single-use special permit, or upon request of the owner of the truck or equipment, shall issue an annual permit, for the transporting of any concrete pump truck or well-drillers' equipment. The department of transportation shall set fees for the issuance of permits pursuant to this subsection. Notwithstanding the provisions of section 301.133, concrete pump trucks or well-drillers' equipment may be operated on state-maintained roads and highways at any time on any day.

8. Notwithstanding the provision of this section to the contrary, the maximum gross vehicle limit and axle weight limit for any vehicle or combination of vehicles equipped with an idle reduction technology may be increased by a quantity necessary to compensate for the additional weight of the idle reduction system as provided for in 23 U.S.C. Section 127, as amended. In no case shall the additional weight increase allowed by this subsection be greater than four hundred pounds. Upon request by an appropriate law enforcement officer, the vehicle operator shall provide proof that the idle reduction technology is fully functional at all times and that the gross weight increase is not used for any purpose other than for the use of idle reduction technology.

9. Notwithstanding subsection 3 of this section or any other provision of law to the contrary, the total gross weight of any vehicle or combination of vehicles hauling livestock **or agricultural products not including local log truck as defined in section 301.010** may be as much as, but shall not exceed, eighty-five thousand five hundred pounds [while operating on U.S. Highway 36 from St. Joseph to U.S. Highway 65, and on U.S. Highway 65 from the Iowa state line to U.S. Highway 36]. **The provisions of this subsection, however, shall not apply to vehicles operated on the Dwight D. Eisenhower System of Interstate and Defense Highways.**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 173, Page 10, Section 249.425, Line 97, by inserting after all of said line the following:

“304.120. 1. Municipalities, by ordinance, may establish reasonable speed regulations for motor vehicles within the limits of such municipalities. No person who is not a resident of such municipality and who has not been within the limits thereof for a continuous period of more than forty-eight hours, shall be convicted of a violation of such ordinances, unless it is shown by competent evidence that there was posted at the

place where the boundary of such municipality joins or crosses any highway a sign displaying in black letters not less than four inches high and one inch wide on a white background the speed fixed by such municipality so that such sign may be clearly seen by operators and drivers from their vehicles upon entering such municipality.

2. Municipalities, by ordinance, may:

- (1) Make additional rules of the road or traffic regulations to meet their needs and traffic conditions;
- (2) Establish one-way streets and provide for the regulation of vehicles thereon;
- (3) Require vehicles to stop before crossing certain designated streets and boulevards;

(4) Limit the use of certain designated streets and boulevards to passenger vehicles, **except that each municipality shall allow at least one street, with lawful traffic movement and access from both directions, to be available for use by commercial vehicles to access any roads in the state highway system. Under no circumstances shall the provisions of this subdivision be construed to authorize municipalities to limit the use of all streets in the municipality;**

- (5) Prohibit the use of certain designated streets to vehicles with metal tires, or solid rubber tires;

(6) Regulate the parking of vehicles on streets by the installation of parking meters for limiting the time of parking and exacting a fee therefor or by the adoption of any other regulatory method that is reasonable and practical, and prohibit or control left-hand turns of vehicles;

- (7) Require the use of signaling devices on all motor vehicles; and

- (8) Prohibit sound producing warning devices, except horns directed forward.

3. No ordinance shall be valid which contains provisions contrary to or in conflict with this chapter, except as herein provided.

4. No ordinance shall impose liability on the owner-lessor of a motor vehicle when the vehicle is being permissively used by a lessee and is illegally parked or operated if the registered owner-lessor of such vehicle furnishes the name, address and operator's license number of the person renting or leasing the vehicle at the time the violation occurred to the proper municipal authority within three working days from the time of receipt of written request for such information. Any registered owner-lessor who fails or refuses to provide such information within the period required by this subsection shall be liable for the imposition of any fine established by municipal ordinance for the violation. Provided, however, if a leased motor vehicle is illegally parked due to a defect in such vehicle, which renders it inoperable, not caused by the fault or neglect of the lessee, then the lessor shall be liable on any violation for illegal parking of such vehicle.

5. No ordinance shall deny the use of commercial vehicles on all streets within the municipality.

537.293. 1. Notwithstanding any other provision of law, the use of vehicles on a public street or highway in a manner which is legal under state and local law shall not constitute a public or private nuisance, and shall not be the basis of a civil action for public or private nuisance.

2. No individual or business entity shall be subject to any civil action in law or equity for a public or private nuisance on the basis of such individual or business entity legally using vehicles on a public street or highway. Any actions by a court in this state to enjoin the use of a public street or highway in violation of this section and any damages awarded or imposed by a court, or assessed by a jury,

against an individual or business entity for public or private nuisance in violation of this section shall be null and void.

3. Notwithstanding any other provision of law, nothing in this section shall be construed to limit civil liability for compensatory damages arising from physical injury to another human being.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 173, Page 7, Section 227.107, Line 138 by inserting after all of said line the following:

“238.202. 1. As used in sections 238.200 to 238.275, the following terms mean:

(1) “Board”, the board of directors of a district;

(2) “Commission”, the Missouri highways and transportation commission;

(3) “District”, a transportation development district organized under sections 238.200 to 238.275;

(4) “Local transportation authority”, a county, city, town, village, county highway commission, special road district, interstate compact agency, or any local public authority or political subdivision having jurisdiction over any bridge, street, highway, dock, wharf, ferry, lake or river port, airport, railroad, light rail or other transit improvement or service;

(5) “Project” includes any bridge, street, road, highway, access road, interchange, intersection, signing, signalization, parking lot, bus stop, station, garage, terminal, hangar, shelter, rest area, dock, wharf, lake or river port, airport, railroad, light rail, or [other mass transit] **public mass transportation system** and any similar or related improvement or infrastructure. **In the case of a district located in a home rule city with more than four hundred thousand inhabitants and located in more than one county, whose district boundaries are contained solely within that portion of such a home rule city that is contained within a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, the term “Project” shall also include the operation of a street car or other rail-based or fixed guideway public mass transportation system, and the revenue of such district may be used to pay for the design, construction, ownership and operation of such a street car or other rail-based or fixed guideway public mass transportation system by such district or such municipality, or by a local transportation authority having jurisdiction within such municipality.**

(6) “Public mass transportation system”, a transportation system owned or operated by a governmental or quasi-governmental entity, employing motor buses, rails, or any other means of conveyance, by whatsoever type of power, operated for public use in the conveyance of persons, **mainly providing local transportation service within a municipality or a single metropolitan statistical area.**

2. For the purposes of sections 11(c), 16 and 22 of article X of the Constitution of Missouri, section 137.073, and as used in sections 238.200 to 238.275, the following terms shall have the meanings given:

(1) “Approval of the required majority” or “direct voter approval”, a simple majority;

(2) “Qualified electors”, “qualified voters” or “voters”:

(a) Within a proposed or established district, except for a district proposed under subsection 1 of section

238.207, any persons residing therein who have registered to vote pursuant to chapter 115; or

(b) Within a district proposed or established under subsection 1 of section 238.207 which has no persons residing therein who have registered to vote pursuant to chapter 115, the owners of record of all real property located in the district, who shall receive one vote per acre, provided that if a registered voter subsequent to the creation of the district becomes a resident within the district and obtains ownership of property within the district, such registered voter must elect whether to vote as an owner of real property or as a registered voter, which election once made cannot thereafter be changed;

(3) "Registered voters", persons qualified and registered to vote pursuant to chapter 115.

238.225. 1. Before construction or funding of any project the district shall submit the proposed project to the commission for its prior approval. If the commission by minute finds that the project will improve or is a necessary or desirable extension of the state highways and transportation system, the commission may preliminarily approve the project subject to the district providing plans and specifications for the proposed project and making any revisions in the plans and specifications required by the commission and the district and commission entering into a mutually satisfactory agreement regarding development and future maintenance of the project. After such preliminary approval, the district may impose and collect such taxes and assessments as may be included in the commission's preliminary approval. After the commission approves the final construction plans and specifications, the district shall obtain prior commission approval of any modification of such plans or specifications.

2. If the proposed project is not intended to be merged into the state highways and transportation system under the commission's jurisdiction, the district shall also submit the proposed project and proposed plans and specifications to the local transportation authority that will become the owner of the project for its prior approval.

3. In those instances where a local transportation authority is required to approve a project and the commission determines that it has no direct interest in that project, the commission may decline to consider the project.

Approval of the project shall then vest exclusively with the local transportation authority subject to the district making any revisions in the plans and specifications required by the local transportation authority and the district and the local transportation authority entering into a mutually satisfactory agreement regarding development and future maintenance of the project. After the local transportation authority approves the final construction plans and specifications, the district shall obtain prior approval of the local transportation authority before modifying such plans or specifications.

4. Notwithstanding any provision of this section to the contrary, this section shall not apply to any district whose project is a public mass transportation system.

238.235. 1. (1) Any transportation development district may by resolution impose a transportation development district sales tax on all retail sales made in such transportation development district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, except such transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to all sales of electricity or electrical current, water and gas, natural or artificial, nor to sales of service to telephone subscribers, either local or long distance. Such transportation development district sales tax may be imposed for any transportation development purpose designated by the transportation development district in its ballot of submission to its qualified voters, except that no resolution enacted

pursuant to the authority granted by this section shall be effective unless:

(a) The board of directors of the transportation development district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of this section; or

(b) The voters approved the question certified by the petition filed pursuant to subsection 5 of section 238.207.

(2) If the transportation district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of paragraph (a) of subdivision (1) of this subsection, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the transportation development district of (transportation development district's name) impose a transportation development district-wide sales tax at the rate of (insert amount) for a period of (insert number) years from the date on which such tax is first imposed for the purpose of (insert transportation development purpose)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the resolution and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors of the transportation development district shall have no power to impose the sales tax authorized by this section unless and until the board of directors of the transportation development district shall again have submitted another proposal to authorize it to impose the sales tax pursuant to the provisions of this section and such proposal is approved by a majority of the qualified voters voting thereon.

(3) The sales tax authorized by this section shall become effective on the first day of the second calendar quarter after the department of revenue receives notification of the tax.

(4) In each transportation development district in which a sales tax has been imposed in the manner provided by this section, every retailer shall add the tax imposed by the transportation development district pursuant to this section to the retailer's sale price, and when so added such tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

(5) In order to permit sellers required to collect and report the sales tax authorized by this section to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the transportation development district may establish appropriate brackets which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets provided in section 144.285.

(6) All revenue received by a transportation development district from the tax authorized by this section which has been designated for a certain transportation development purpose shall be deposited in a special trust fund and shall be used solely for such designated purpose. Upon the expiration of the period of years

approved by the qualified voters pursuant to subdivision (2) of this subsection or if the tax authorized by this section is repealed pursuant to subsection 6 of this section, all funds remaining in the special trust fund shall continue to be used solely for such designated transportation development purpose. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors in accordance with applicable laws relating to the investment of other transportation development district funds.

(7) The sales tax may be imposed in increments of one-eighth of one percent, up to a maximum of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the transportation development district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525, except such transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to public utilities. Any transportation development district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the district.

2. The resolution imposing the sales tax pursuant to this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax and the tax shall be reported and returned to and collected by the transportation development district.

3. On and after the effective date of any tax imposed pursuant to this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect, in addition to all other sales taxes imposed by law, the additional tax authorized pursuant to this section. The tax imposed pursuant to this section and the taxes imposed pursuant to all other laws of the state of Missouri shall be collected together and reported upon such forms and pursuant to such administrative rules and regulations as may be prescribed by the director of revenue.

4. (1) All applicable provisions contained in sections 144.010 to 144.525, governing the state sales tax, sections 32.085 and 32.087 and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section.

(2) All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services pursuant to the provisions of sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax imposed by this section.

(3) The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the transportation development district may prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

(4) All discounts allowed the retailer pursuant to the provisions of the state sales tax laws for the collection of and for payment of taxes pursuant to such laws are hereby allowed and made applicable to any taxes collected pursuant to the provisions of this section.

(5) The penalties provided in section 32.057 and sections 144.010 to 144.525 for violation of those

sections are hereby made applicable to violations of this section.

(6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail sales except retail sales of motor vehicles shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which the employee works.

5. All sales taxes received by the transportation development district shall be deposited by the director of revenue in a special fund to be expended for the purposes authorized in this section. The director of revenue shall keep accurate records of the amount of money which was collected pursuant to this section, and the records shall be open to the inspection of officers of each transportation development district and the general public.

6. (1) No transportation development district imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects.

(2) Whenever the board of directors of any transportation development district in which a transportation development sales tax has been imposed in the manner provided by this section receives a petition, signed by ten percent of the qualified voters calling for an election to repeal such transportation development sales tax, the board of directors shall, if such repeal will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects, submit to the qualified voters of such transportation development district a proposal to repeal the transportation development sales tax imposed pursuant to the provisions of this section. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal to repeal the transportation development sales tax, then the resolution imposing the transportation development sales tax, along with any amendments thereto, is repealed. If a majority of the votes cast by the qualified voters voting thereon are opposed to the proposal to repeal the transportation development sales tax, then the ordinance or resolution imposing the transportation development sales tax, along with any amendments thereto, shall remain in effect.

7. Notwithstanding any provision of sections 99.800 to 99.865, and this section to the contrary, the sales tax imposed by a district whose project is a public mass transportation system shall not be considered economic activity taxes as such term is defined under sections 99.805 and 99.918 and shall not be subject to allocation under the provisions of subsection 3 of section 99.845, or subsection 4 of section 99.957.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Bill No. 173, Page 7, Section 227.107, Line 138, by

inserting after all of said section and line the following:

“227.424. The portion of Interstate 40/64 in St. Louis County from the Boone’s Crossing overpass at mile marker 17.0 west to the Spirit of St. Louis Airport overpass at mile marker 13.8 shall be designated as the “Missouri State Highway Patrol Sergeant Joseph G. Schuengel Memorial Highway”. The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid for by private donations.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 163**, entitled:

An Act to repeal sections 172.030, 173.005, and 174.450, RSMo, and to enact in lieu thereof three new sections relating to higher education governing boards, with an existing penalty provision.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 163, Page 1, Section 172.030, Line 7, by inserting at the end of said line the following:

“Notwithstanding any provision of law to the contrary, nothing in this section relating to a change in the composition and configuration of congressional districts in this state shall prohibit a member who is serving a term on August 28, 2011, from completing his or her term.”; and

Further amend said bill, Page 2, Section 173.005, line 19, by deleting all of said line and inserting in lieu thereof the following:

“the board, shall be reimbursed for their actual expenses. Notwithstanding any provision of law to the contrary, nothing in this section relating to a change in the composition and configuration of congressional districts in this state shall prohibit a member who is serving a term on August 28, 2011, from completing his or her term. The coordinating board may, in”; and

Further amend said bill, Page 7, Section 174.450, Line 30, by inserting at the end of said line the following:

“Notwithstanding any provision of law to the contrary, nothing in this section relating to a change in the composition and configuration of congressional districts in this state shall prohibit a member who is serving a term on August 28, 2011, from completing his or her term.”; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 219**, entitled:

An Act to repeal sections 313.800, 313.812, 313.817, 313.830, 362.111, and 370.073, RSMo, and to

enact in lieu thereof six new sections relating to financial transactions.

With House Amendment Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 219, Page 1, Section 313.800, Line 4, by deleting all of said line and inserting in lieu thereof the following: “devices less winnings paid to wagers;”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 219, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

“44.114. Except as otherwise provided in this section, at the time of any emergency, catastrophe, or other life or property threatening event which jeopardizes the ability of an insurer to address the financial needs of its insureds or the public, no political subdivision shall impose restrictions or enforce local licensing or registration ordinances with respect to such insurer’s claims handling operations. As used in this section, the term “claims handling operations” includes but is not limited to the establishment of a base of operations by an insurer within the disaster area and the investigation and handling of claims by personnel authorized by any such insurer. Nothing herein shall prohibit a political subdivision from performing any safety inspection authorized by local ordinance of the premises of the insurer’s base operations within the disaster area.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 220**, entitled:

An Act to repeal sections 429.015 and 516.098, RSMo, and to enact in lieu thereof two new sections relating to liens for architects, professional engineers, land surveyors, and landscape architects.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 220, Page 3, Section 516.098, Line 6, by inserting immediately after said line the following:

“537.033. 1. As used in this section, unless the context clearly indicates otherwise, the following words shall mean:

(1) “Design professional”, an architect, landscape architect, professional land surveyor or professional engineer, licensed under the provisions of chapter 327 or any corporation authorized to practice architecture, landscape architecture, land surveying, or engineering under section 327.401 while acting within his or her scope of practice;

(2) “Peer review process”, a process through which design professionals evaluate, maintain, or

monitor the quality and utilization of architectural, landscape architectural, land surveying or engineering services, prepare internal lessons-learned, or exercise any combination of such responsibilities.

2. A peer review process may be performed by the following, each of whom shall be deemed a peer reviewer:

(1) An individual design professional or committee of design professionals appointed by a state, county or local society of design professionals;

(2) An individual design professional or committee of design professionals appointed by the partners, shareholders, or employed design professionals of a partnership or of a corporation authorized under section 327.401;

(3) Any individual design professional or committee of design professionals appointed by the partners, board of directors, chief executive officer, or the quality control director of a partnership or a corporation authorized under section 327.401 to practice architecture, landscape architecture, land surveying, or engineering, or by the owner of a sole proprietorship engaged in one or more of such professions.

3. Each peer reviewer, member of a peer review committee, and each person, corporate director, partner, quality control director, or other design professional who testifies before, or provides information to, acts upon the recommendation of, or otherwise participates in the operation of, such a process shall be immune from civil liability for such acts so long as the acts are performed in good faith, without malice, and are reasonably related to the scope of inquiry of the peer review process.

4. Except as otherwise provided in this section, the interviews, memoranda, proceedings, findings, deliberations, reports, and minutes of the peer review process, or the existence of the same, concerning the professional services provided to a client or member of the public are privileged and shall not be subject to discovery, subpoena, or other means of legal compulsion for their release to any person or entity or be admissible into evidence in any judicial or administrative action for failure to provide appropriate architectural, landscape architectural, land surveying, or engineering services. Except as otherwise provided in this section, no person who was in attendance at or participated in any peer review process or proceedings shall be permitted or required to disclose any information acquired in connection with or in the course of such proceeding, or to disclose any opinion, recommendation, or evaluation of the peer reviewer or any member of a peer review committee; provided, however, that information otherwise discoverable or admissible from original sources shall not be construed as immune from discovery or use in any proceeding merely because it was presented during proceedings before a peer reviewer, nor shall a member, employee, or agent involved in any such process, or other person appearing before a peer reviewer be prevented from testifying as to matters within his or her personal knowledge and in accordance with the other provisions of this section; except that, such witness shall not be questioned about testimony or other proceedings before any peer review process or peer reviewer or about opinions formed as a result of such process. The disclosure of any interview, memoranda, proceedings, findings, deliberations, reports, or minutes to any person or entity, including but not limited to governmental agencies, professional accrediting agencies, or other design professionals, whether proper or improper, shall not waive or have any effect upon its confidentiality, nondiscoverability, or nonadmissibility.

5. Nothing in this section shall limit authority otherwise provided by law of the Missouri board

for architects, professional engineers, professional land surveyors and landscape architects to obtain information by subpoena or other authorized process from a peer reviewer or to require disclosure of otherwise confidential information developed outside of the peer review process which relate to matters and investigations within the jurisdiction of such licensing board.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON THIRD READING

HCS for HB 22, with **SCS**, entitled:

An Act to appropriate money for purposes for the several departments and offices of state government; for planning and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions; to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the fiscal period beginning July 1, 2011 and ending June 30, 2012.

Was taken up by Senator Schaefer.

SCS for HCS for HB 22, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 22

An Act to appropriate money for purposes for the several departments and offices of state government; for planning and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions; to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the fiscal period beginning July 1, 2011 and ending June 30, 2013.

Was taken up.

Senator Schaefer moved that **SCS for HCS for HB 22** be adopted.

Senator Schaefer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 22, Page 4, Section 22.065, Line 4, by inserting immediately after said line the following;

“Section 22.070. To the Department of Transportation

For funding local and regional port authorities for construction, which includes planning, docks, buildings, roads, railroads, sewers, water and electric lines, land purchases, building purchases, landscaping, and equipment

From General Revenue \$1,000,000”;

and

further amend bill totals accordingly.

Senator Schaefer moved that the above amendment be adopted, which motion prevailed.

Senator Schaefer offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 22, Page 3, Section 22.046, Line 1, by deleting the word “Department” and inserting in lieu thereof the following: “Office”; and further amend said section, line 5 by deleting the number: “\$1,100,000” and inserting in lieu thereof the following: “\$1,050,000”.

Senator Schaefer moved that the above amendment be adopted, which motion prevailed.

Senator Schaefer moved that **SCS** for **HCS** for **HB 22**, as amended, be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS** for **HCS** for **HB 22**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Richard	Ridgeway
Rupp	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—30		

NAYS—Senators

Crowell	Lembke	Purgason	Schaaf—4
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Senator Schaefer requested unanimous consent of the Senate to suspend the rules for the purpose of allowing the conferees on House Committee Substitute for House Bill No. 2, with Senate Committee Substitute; House Committee Substitute for House Bill No. 3, with Senate Committee Substitute; House Committee Substitute for House Bill No. 4, with Senate Committee Substitute; House Committee Substitute for House Bill No. 5, with Senate Committee Substitute; House Committee Substitute for House Bill No. 6, with Senate Committee Substitute; House Committee Substitute for House Bill No. 7, with Senate Committee Substitute, as amended; House Committee Substitute for House Bill No. 8, with Senate Committee Substitute; House Committee Substitute for House Bill No. 9, with Senate Committee Substitute; House Committee Substitute for House Bill No. 10, with Senate Committee Substitute; House Committee Substitute for House Bill No. 11, with Senate Committee Substitute; House Committee Substitute for House Bill No. 12, with Senate Committee Substitute; and House Committee Substitute for

House Bill No. 13, with Senate Committee Substitute to meet while the Senate is in session, which request was granted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has passed **Conference Committee Substitute** for **Senate Substitute** for **House Committee Substitute** for **House Bill No. 193**, the objections of the Governor thereto notwithstanding.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the attached is a certified copy of the Roll Call on **Conference Committee Substitute** for **Senate Substitute** for **House Committee Substitute** for **House Bill No. 193**.

Ayes: 109

Allen	Asbury	Bahr	Barnes	Bernskoetter	Berry	Brandom	Brattin
Brown 50	Brown 85	Brown 116	Burlison	Cauthorn	Cierpiot	Conway 14	Cookson
Cox	Crawford	Cross	Curtman	Davis	Day	Denison	Dieckhaus
Diehl	Dugger	Elmer	Entlicher	Fisher	Fitzwater	Flanigan	Fraker
Franklin	Franz	Frederick	Fuhr	Funderburk	Gatschenberger	Gosen	Grisamore
Guernsey	Haefner	Hampton	Higdon	Hinson	Hoskins	Hough	Houghton
Hubbard	Hughes	Johnson	Jones 89	Jones 117	Keeney	Kelley 126	Klippenstein
Koenig	Korman	Lair	Lant	Largent	Lasater	Lauer	Leach
Leara	Lichtenegger	Loehner	Long	Marshall	McCaherty	McGhee	McNary
Molendorp	Nance	Nasheed	Neth	Nolte	Parkinson	Phillips	Pollock
Redmon	Reiboldt	Richardson	Riddle	Rowland	Ruzicka	Sater	Schad
Scharnhorst	Schatz	Schieber	Schneider	Schoeller	Shumake	Silvey	Smith 150
Solon	Stream	Thomson	Torpey	Wallingford	Wells	Weter	White
Wieland	Wright	Wyatt	Zerr	Mr Speaker			

Noes: 44

Anders	Atkins	Aull	Black	Carlson	Carter	Casey	Conway 27
Ellinger	Fallert	Harris	Holsman	Hummell	Jones (63)	Kander	Kirkton
Kratky	Lampe	May	McDonald	McGeoghegan	McManus	McNeil	Meadows
Montecillo	Newman	Nichols	Oxford	Pace	Peters-Baker	Quinn	Rizzo
Schieffer	Schupp	Shively	Sifton	Smith 71	Spreng	Still	Swearingen
Talboy	Taylor	Webb	Webber				

Absent and Absent with Leave: 7

Colona	Hodges	Kelly 24	McCann Beatty	Pierson	Swinger	Walton Gray
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Vacancies: 3

Senator Rupp moved that **CCS** for **SS** for **HCS** for **HB 193** be passed, the objections of the Governor thereto notwithstanding, which motion received the necessary two-thirds majority by the following vote:

YEAS—Senators

Brown	Callahan	Crowell	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Justus	Kehoe	Kraus	Lager	Lamping	Lembke	Mayer
Munzlinger	Nieves	Parson	Pearce	Purgason	Richard	Ridgeway	Rupp
Schaaf	Schaefer	Schmitt	Wasson—28				

NAYS—Senators

Chappelle-Nadal	Green	Keaveny	McKenna	Stouffer	Wright-Jones—6
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

PRIVILEGED MOTIONS

Senator Dixon moved that the Senate refuse to concur in **HCS** for **SB 173**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Lager assumed the Chair.

HOUSE BILLS ON THIRD READING

HB 190, introduced by Representative Ruzicka, entitled:

An Act to repeal section 253.082, RSMo, and to enact in lieu thereof three new sections relating to cash transactions by the department of natural resources.

Was taken up by Senator Brown.

Senator Schmitt assumed the Chair.

On motion of Senator Brown, **HB 190** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Engler	Goodman
Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	Lembke
Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Curls	Dixon—2
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HCS for **HB 250**, with **SCS**, entitled:

An Act to amend chapter 640, RSMo, by adding thereto one new section relating to well water.

Was taken up by Senator Stouffer.

SCS for **HCS** for **HB 250**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 250

An Act to repeal section 256.400, RSMo, and to enact in lieu thereof three new sections relating to well water.

Was taken up.

Senator Stouffer moved that **SCS** for **HCS** for **HB 250** be adopted, which motion prevailed.

On motion of Senator Stouffer, **SCS** for **HCS** for **HB 250** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Rupp—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HB 101, with **SCS**, introduced by Representative Loehner, entitled:

An Act to repeal section 311.297, RSMo, and to enact in lieu thereof one new section relating to the tasting of liquor.

Was taken up by Senator Cunningham.

SCS for **HB 101**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 101

An Act to repeal section 311.297, RSMo, and to enact in lieu thereof two new sections relating to liquor control.

Was taken up.

Senator Cunningham moved that **SCS** for **HB 101** be adopted.

Senator McKenna offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 101, Page 2, Section 311.297, Line 36, by inserting after all of said line the following:

“311.482. 1. Notwithstanding any other provision of this chapter, a permit for the sale of **all kinds of** intoxicating liquor [as defined in section 311.020], **including intoxicating liquor in the original package, at retail by the drink** for consumption on **the** premises [where sold] **of the licensee** may be issued to any church, school, civic, service, fraternal, veteran, political, or charitable club or organization for the sale of such intoxicating liquor at a picnic, bazaar, fair, or similar gathering. The permit shall be issued only for the day or days named therein and it shall not authorize the sale of intoxicating liquor for more than seven days by any such club or organization.

2. To secure the permit, the applicant shall complete a form provided by the supervisor, but no applicant shall be required to furnish a personal photograph as part of the application. The applicant shall pay a fee of twenty-five dollars for such permit.

3. If the event will be held on a Sunday, the permit shall authorize the sale of intoxicating liquor on that day beginning at 11:00 a.m.

4. At the same time that an applicant applies for a permit under the provisions of this section, the applicant shall notify the director of revenue of the holding of the event and by such notification, by certified mail, shall accept responsibility for the collection and payment of any applicable sales tax. Any sales tax due shall be paid to the director of revenue within fifteen days after the close of the event, and failure to do so shall result in a liability of triple the amount of the tax due plus payment of the tax, and denial of any other permit for a period of three years. Under no circumstances shall a bond be required from the applicant.

5. No provision of law or rule or regulation of the supervisor shall be interpreted as preventing any wholesaler or distributor from providing customary storage, cooling or dispensing equipment for use by the permit holder at such picnic, bazaar, fair or similar gathering.

311.485. 1. The supervisor of liquor control may issue a temporary permit to caterers and other persons

holding licenses to sell intoxicating liquor, **including intoxicating liquor in the original package**, by the drink at retail for consumption on the premises pursuant to the provisions of this chapter who furnish provisions and service for use at a particular function, occasion or event at a particular location other than the licensed premises, but not including a festival as defined in chapter 316. The temporary permit shall be effective for a period not to exceed one hundred sixty-eight consecutive hours, and shall authorize the service of alcoholic beverages at such function, occasion or event during the hours at which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages for on-premises consumption. For every permit issued pursuant to the provisions of this section, the permittee shall pay to the director of revenue the sum of ten dollars for each calendar day, or fraction thereof, for which the permit is issued.

2. Except as provided in subsection 3 of this section, all provisions of the liquor control law and the ordinances, rules and regulations of the incorporated city, or the unincorporated area of any county, in which is located the premises in which such function, occasion or event is held shall extend to such premises and shall be in force and enforceable during all the time that the permittee, its agents, servants, employees, or stock are in such premises. [Except for Missouri-produced wines in the original package, the provisions of this section shall not include the sale of packaged goods covered by this temporary permit.]

3. Notwithstanding any other law to the contrary, any caterer who possesses a valid state and valid local liquor license may deliver alcoholic beverages in the course of his or her catering business. A caterer who possesses a valid state and valid local liquor license need not obtain a separate license for each city the caterer delivers in, so long as such city permits any caterer to deliver alcoholic beverages within the city.

4. To assure and control product quality, wholesalers may, but shall not be required to, give a retailer credit for intoxicating liquor with an alcohol content of less than five percent by weight delivered and invoiced under the catering permit number, but not used, if the wholesaler removes the product within seventy-two hours of the expiration of the catering permit issued pursuant to this section.

311.486. 1. The supervisor of alcohol and tobacco control may issue a special license to caterers and other persons holding licenses to sell intoxicating liquor, **including intoxicating liquor in the original package**, by the drink at retail for consumption on the premises pursuant to the provisions of this chapter who furnish provisions and service for use at a particular function, occasion, or event at a particular location other than the licensed premises, but not including a festival as defined in chapter 316. The special license shall be effective for a maximum of fifty days during any year, and shall authorize the service of alcoholic beverages at such function, occasion, or event during the hours at which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages for on-premises consumption. For every special license issued pursuant to the provisions of this subsection, the licensee shall pay to the director of revenue the sum of five hundred dollars a year payable at the same time and in the same manner as its other license fees.

2. The supervisor of alcohol and tobacco control may issue a special license to caterers and other persons holding licenses to sell intoxicating liquor by the drink at retail for consumption on the premises pursuant to the provisions of this chapter who furnish provisions and service for use at a particular function, occasion, or event at a particular location other than the licensed premises, but not including a festival as defined in chapter 316. The special license shall be effective for an unlimited number of functions during the year, and shall authorize the service of alcoholic beverages at such function, occasion, or event during the hours at which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic

beverages for on-premises consumption. For every special license issued pursuant to the provisions of this subsection, the licensee shall pay to the director of revenue the sum of one thousand dollars a year payable at the same time and in the same manner as its other license fees.

3. Caterers issued a special license pursuant to subsections 1 and 2 of this section shall report to the supervisor of alcohol and tobacco control the location of each function three business days in advance. The report of each function shall include permission from the property owner and city, description of the premises, and the date or dates the function will be held.

4. Except as provided in subsection 5 of this section, all provisions of the liquor control law and the ordinances, rules and regulations of the incorporated city, or the unincorporated area of any county, in which is located the premises in which such function, occasion, or event is held shall extend to such premises and shall be in force and enforceable during all the time that the licensee, its agents, servants, employees, or stock are in such premises. [Except for wines in the original package, the provisions of this section shall not include the sale of packaged goods covered by this special license.]

5. Notwithstanding any other law to the contrary, any caterer who possesses a valid state and valid local liquor license may deliver alcoholic beverages, in the course of his or her catering business. A caterer who possesses a valid state and valid local liquor license need not obtain a separate license for each city the caterer delivers in, so long as such city permits any caterer to deliver alcoholic beverages within the city.

6. To assure and control product quality, wholesalers may, but shall not be required to, give a retailer credit for intoxicating liquor with an alcohol content of less than five percent by weight delivered and invoiced under the catering license number, but not used, if the wholesaler removes the product within seventy-two hours of the expiration of the catering function.”; and

Further amend the title and enacting clause accordingly.

Senator McKenna moved that the above amendment be adopted.

Senator Ridgeway raised the point of order that **SA 1** is out of order in that it is outside the scope of the underlying bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 1 was again taken up.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator Justus offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 101, Page 1, Section 311.087, Line 16, by inserting after all of said line the following:

“311.088. Any person possessing the qualifications and meeting the requirements of this chapter who is licensed to sell intoxicating liquor by the drink at retail for consumption on the premises in a home rule city with more than four hundred thousand inhabitants and located in more than one county may be issued a special permit by the state and such city. Notwithstanding the provisions of 311.089 to the contrary, the special permit issued under this section shall allow the licensed premises to sell intoxicating liquor from 6:00 a.m. until 3:00 a.m. on the morning of the following day within one twenty-four hour period. Any person granted a special permit under this section shall only be

authorized to receive up to six such special permits from the city in a calendar year.”; and

Further amend the title and enacting clause accordingly

Senator Justus moved that the above amendment be adopted, which motion prevailed.

Senator Cunningham moved that **SCS for HB 101**, as amended, be adopted, which motion prevailed.

On motion of Senator Cunningham, **SCS for HB 101**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lembke
McKenna	Munzlinger	Nieves	Parson	Pearce	Richard	Ridgeway	Rupp
Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—30		

NAYS—Senators

Goodman	Lamping	Mayer	Purgason—4
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCS for HCR 23**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 37**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 42**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

The Senate observed a moment of silence in memory of Craig Tuttle.

RESOLUTIONS

Senator Dempsey offered Senate Resolution No. 1017, regarding Merle Schneider, which was adopted.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-FOURTH DAY—THURSDAY, MAY 5, 2011

FORMAL CALENDAR

VETOED BILLS

SCS for SB 188-Lager, et al

HOUSE BILLS ON SECOND READING

HCS for HB 773

HCS for HJR 16

HCS for HB 552

HCS for HB 787

HCS for HB 597

HJR 27-Brattin, et al

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna
(In Fiscal Oversight)

SB 204-Dempsey, et al
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 260-Wasson, with SCS
2. SB 425-Goodman, with SCS
3. SB 400-Kraus, with SCS
4. SB 392-Rupp, with SCS
5. SB 403-Nieves
6. SB 329-Nieves
7. SB 353-Engler

8. SJR 16-Goodman, with SCS
9. SB 391-Lager
10. SB 253-Callahan and Cunningham, with SCS
11. SB 223-Mayer
12. SB 119-Schaefer
13. SB 150-Munzlinger
14. SB 84-Wright-Jones

15. SB 45-Wright-Jones
16. SB 14-Pearce, with SCS
17. SB 281-Kraus

18. SB 399-Kraus
19. SB 44-Wright-Jones

HOUSE BILLS ON THIRD READING

HB 462-Pollock, with SCS (Lager)
HCS for HB 89, with SCS (Lager)
(In Fiscal Oversight)
HCS for HB 578, with SCS (Lager)

HB 737-Redmon and Shumake, with SCS
(Lager)
HB 183-Silvey (Kraus)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SS for SB 231-Lager

SENATE BILLS FOR PERFECTION

SBs 1 & 206-Ridgeway, with SCS & SA 1
(pending)
SBs 7, 5, 74 & 169-Goodman, with SCS
SB 10-Rupp
SB 23-Keaveny, with SCS & SS for SCS
(pending)
SB 25-Schaaf, with SCS & SS for SCS
(pending)
SB 28-Brown
SB 37-Lembke, with SCS
SB 52-Cunningham
SB 72-Kraus, with SS (pending)
SBs 88 & 82-Schaaf, with SCS & SA 1
(pending)
SB 120-Stouffer, with SS (pending)
SB 130-Rupp, with SCS & SS for SCS
(pending)
SB 155-Rupp, with SCS
SB 175-Munzlinger, et al, with SA 1
(pending)

SB 176-Munzlinger, et al
SBs 189, 217, 246, 252 & 79-Schmitt,
with SCS
SB 200-Crowell
SB 203-Schmitt, et al, with SS (pending)
SB 208-Lager
SB 209-Lager
SB 228-Pearce
SB 242-Cunningham, with SCS & SS for SCS
(pending)
SB 247-Pearce, with SS (pending)
SB 264-Rupp, with SCS
SB 278-Munzlinger, et al
SB 280-Purgason, et al, with SCS & SS
for SCS (pending)
SBs 291, 184 & 294-Pearce, with SCS & SA 4
(pending)
SB 299-Munzlinger, with SCS (pending)
SB 326-Wasson
SBs 369 & 370-Cunningham, with SCS

SB 390-Schmitt, et al
SBs 408 & 80-Crowell, with SCS
SB 420-Mayer, with SCS

SJR 11-Munzlinger, with SCS
SJR 15-Nieves, et al, with SS (pending)

HOUSE BILLS ON THIRD READING

HCS for HB 61
HB 71-Nasheed, et al
HCS for HBs 112 & 285, with SCS (Brown)
HCS for HB 143 (Goodman)
HB 282-Franz, with SCS (Crowell)
HCS for HBs 294, 123, 125, 113, 271 &
215, with SCS & SS for SCS (pending)
(Munzlinger)
HCS for HB 336 (Schmitt)
HCS for HB 338 (Lager)
HB 361-Leara (Cunningham)
HB 442-Franz, with SA 2 (pending)
(Parson)

HCS for HB 545, with SCS & SS for SCS
(pending) (Schaaf)
HCS for HB 556
HCS#2 for HB 609, with SCS (Wasson)
HB 648-Montecillo, with SS (pending)
(Rupp)
HB 738-Nasheed, et al, with SCS
(pending) (Cunningham)
HJR 2-McGhee, et al (Goodman)
HJR 6-Cierpiot, et al (Cunningham)
HJR 29-Solon, et al, with SA 1 (pending)
(Munzlinger)

SENATE BILLS WITH HOUSE AMENDMENTS

SS for SCS for SB 58-Stouffer and
Lembke, with HCS, as amended
SS for SB 135-Schaefer, with HCS, as
amended
SCS for SB 163-Pearce, with HCS, as
amended

SCS for SB 219-Wasson, with HCS, as
amended
SB 220-Wasson, with HCS, as amended
SJR 2-Stouffer, with HCS#2

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

HCS for HB 2, with SCS (Schaefer)
HCS for HB 3, with SCS (Schaefer)
HCS for HB 4, with SCS (Schaefer)
HCS for HB 5, with SCS (Schaefer)

HCS for HB 6, with SCS (Schaefer)
HCS for HB 7, with SCS, as amended
(Schaefer)
HCS for HB 8, with SCS (Schaefer)

HCS for HB 9, with SCS (Schaefer)
HCS for HB 10, with SCS (Schaefer)
HCS for HB 11, with SCS (Schaefer)

HCS for HB 12, with SCS (Schaefer)
HCS for HB 13, with SCS (Schaefer)

Requests to Recede or Grant Conference

SS#2 for SCS for SB 8-Goodman, with HCS,
as amended (Senate requests House
recede or grant conference)

SB 173-Dixon and Kehoe, with
HCS, as amended (Senate requests
House recede or grant conference)

RESOLUTIONS

Reported from Committee

SR 179-Purgason
HCS for HCR 23 (Dixon)

HCR 37-Franklin, et al
HCR 42-Funderburk, et al

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Journal of the Senate

FIRST REGULAR SESSION

SIXTY-FOURTH DAY—THURSDAY, MAY 5, 2011

The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

“Comfort ye, comfort ye my people, says your God.” (Isaiah 40:1)

Heavenly Father, we hear Your words of care and need what You want to give as the tension and stress grows among us yet hard work must be completed and long hours demanded of us. We trust You O Lord that You will guide and direct our efforts through these closing days that we will bear good fruit and our effort will be blessed. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Dempsey announced that photographers from Missouri News Horizon, Daily Star-Journal and ABC-17 News were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

RESOLUTIONS

Senator Parson offered Senate Resolution No. 1018, regarding the Fiftieth Wedding Anniversary of Mr.

and Mrs. Buzz Marquis, Collins, which was adopted.

Senator Parson offered Senate Resolution No. 1019, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jack Gipson, Sedalia, which was adopted.

Senator Lamping offered Senate Resolution No. 1020, regarding Justin DuBois, St. Ann, which was adopted.

Senator Wasson offered Senate Resolution No. 1021, regarding Eugene G. “Gene” Hayworth, Nixa, which was adopted.

Senator Wasson offered Senate Resolution No. 1022, regarding Robert A. Neal, Nixa, which was adopted.

Senator Schaefer offered Senate Resolution No. 1023, regarding Arwa Mohammad, Columbia, which was adopted.

Senator Schaefer offered Senate Resolution No. 1024, regarding Kanwal Haq, Columbia, which was adopted.

Senator Schaefer offered Senate Resolution No. 1025, regarding Megan Schoor, Columbia, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS No. 2** for **SB 3**, entitled:

An Act to repeal section 115.427, RSMo, and to enact in lieu thereof two new sections relating to elections, with a contingent effective date.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute No. 2 for Senate Bill No. 3, Page 1, Section 115.276, Line 18, by inserting at the end of said line the following:

“**publication under section 115.127,**”; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 282**, entitled:

An Act to repeal sections 51.050, 52.010, 54.033, 54.330, 78.090, 115.015, 115.123, 115.124, 115.127, 115.241, 115.293, 115.315, 115.327, 115.342, 115.399, 115.601, 115.637, 115.755, and 115.761, RSMo, and to enact in lieu thereof twenty new sections relating to elections, with penalty provisions.

With House Amendment Nos. 1, 2, 3, 4, House Amendment No. 1 to House Amendment No. 5 and House Amendment No. 5, as amended.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 282, Section 115.761, Page 15, Line 17 by enclosing in brackets the phrase:

“one thousand dollars” on said Line and inserting immediately thereafter the phrase: “**five thousand dollars for any election held on or before December 1, 2012, and ten thousand dollars for any election held thereafter**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 282, Page 1, Section A, Line 6 by inserting after all of said Section and Line the following:

“26.016. In the case of any vacancy for any cause in the office of lieutenant governor, the governor shall immediately fill such vacancy by special election as provided in section 105.030 for the remainder of the term in which the vacancy occurred until a successor is elected and qualified at the next election scheduled for the lieutenant governor under section 17, article IV, Constitution of Missouri. The governor shall take charge of such office and superintend the business of the office until a successor is elected and qualified. In cases of impeachment as provided in chapter 106, the lieutenant governor shall be suspended until the impeachment is determined. If the lieutenant governor is acquitted, the lieutenant governor shall be reinstated to office. If the lieutenant governor is convicted, the vacancy shall be filled in the same manner as provided in this section.

27.015. In the case of any vacancy for any cause in the office of attorney general, the governor shall immediately appoint an acting attorney general to fill such vacancy until the vacancy is filled by special election as provided in section 105.030 for the remainder of the term in which the vacancy occurred until a successor is elected and qualified at the next election scheduled for the attorney general under section 17, article IV, Constitution of Missouri. The acting attorney general shall take charge of such office and superintend the business of the office until a successor is elected and qualified. In cases of impeachment as provided in chapter 106, the attorney general shall be suspended until the impeachment is determined. If the attorney general is acquitted, the attorney general shall be reinstated to office. If the attorney general is convicted, the vacancy shall be filled in the same manner as provided in this section.

28.190. In case of death, resignation, removal from office, impeachment, or vacancy from any cause in the office of secretary of state, the governor shall immediately [appoint a qualified person to] fill such vacancy by special election as provided in section 105.030 for the remainder of the term in which such vacancy occurred [and] until [his] a successor is elected [or appointed, commissioned] and qualified[; and] at the next election scheduled for the secretary of state under section 17, article IV, Constitution of Missouri. The governor shall take charge of the office and superintend its business until such person is [appointed, commissioned] elected and qualified[; except that]. In case of impeachment as provided in chapter 106, the governor shall appoint a qualified person to serve only until such impeachment is determined, when the suspended officer, if acquitted, shall be reinstated in office[, or]. If the suspended officer is convicted, [a new appointment shall be made] the vacancy shall be filled by the governor as [in the case of other vacancies] provided in this section.

29.280. When a vacancy occurs in the office of state auditor, the governor shall immediately appoint

an **acting** auditor to fill such vacancy **until the vacancy is filled by special election as provided in section 105.030** for the residue of the term in which the vacancy occurred[, and] until [his] a successor is elected [or appointed, commissioned] and qualified **at the next election scheduled for the state auditor under section 17, article IV, Constitution of Missouri. The acting auditor shall take charge of such office and superintend the business of the office until a successor is elected and qualified. In cases of impeachment as provided in chapter 106, the auditor shall be suspended until the impeachment is determined. If the auditor is acquitted, the auditor shall be reinstated to office. If the auditor is convicted, the vacancy shall be filled in the same manner as provided in this section.**

30.060. In case of death, resignation, removal from office, impeachment, or vacancy from any cause[.] in the office of the state treasurer, the governor shall **immediately fill such vacancy by special election as provided in section 105.030 for the remainder of the term in which such vacancy occurred until a successor is elected and qualified at the next election scheduled for the state treasurer under section 17, article IV, Constitution of Missouri. The governor shall** take charge of such office and superintend the business thereof until a successor is [appointed, commissioned] **elected** and qualified [except]. In case of impeachment **as provided in chapter 106**, when no [appointment] **election** shall be made until a determination of the matter is had, when, in the event of an acquittal, the suspended officer shall be reinstated in office. **If the treasurer is convicted, the vacancy shall be filled in the same manner as provided in this section.**

30.080. Immediately after the [appointment] **election** and qualification of a state treasurer, made to fill any vacancy occurring in said office, or the resumption of [his] duties by said officer, after the removal of any disability or temporary suspension therefrom the general assembly if in session, or, if such assembly be not in session, then the governor, shall cause a settlement to be made of the accounts of the former state treasurer, or any such office ad interim, remaining unsettled, and ascertain what balance, if any, is due the state or such officer, as the case may be.”;

and

Further amend said bill, Page 3, Section 78.090, Line 23 by inserting after all of said Section and Line the following:

“105.030. **1.** Whenever any vacancy, caused in any manner or by any means whatsoever, occurs or exists in any state or county office originally filled by election of the people, other than in the offices of lieutenant governor, **attorney general, secretary of state, state auditor, state treasurer**, state senator or representative, sheriff, or recorder of deeds in the city of St. Louis, the vacancy shall be filled by appointment by the governor except that when a vacancy occurs in the office of county assessor after a general election at which a person other than the incumbent has been elected, the person so elected shall be appointed to fill the remainder of the unexpired term; and the person appointed after duly qualifying and entering upon the discharge of [his] **the** duties under the appointment shall continue in office until the first Monday in January next following the first ensuing general election, at which general election a person shall be elected to fill the unexpired portion of the term, or for the ensuing regular term, as the case may be, and the person so elected shall enter upon the discharge of the duties of the office the first Monday in January next following his election, except that when the term to be filled begins on any day other than the first Monday in January, the appointee of the governor shall be entitled to hold the office until such other date. This section shall not apply to vacancies in county offices in any county which has adopted a charter for its own government under section 18, article VI of the constitution. Any vacancy in the office of recorder of

deeds in the city of St. Louis shall be filled by appointment by the mayor of that city.

2. Any vacancy occurring in the offices of lieutenant governor, attorney general, secretary of state, state auditor, or state treasurer, except for vacancies occurring under section 106.060, shall be filled by a special election called by the governor for that purpose. Upon receiving the notice of vacancies occurring under this subsection, the governor shall without delay issue a writ of election to fill the vacancy. The secretary of state shall conduct the special election as provided in chapter 115.

105.040. Whenever a vacancy in the office of senator of the United States from this state exists, the governor[, unless otherwise provided by law,] shall appoint a person to fill such vacancy, who shall continue in office until a successor shall have been duly elected and qualified [according to law] **by a special election called by the governor for that purpose. Upon receiving the notice of a vacancy occurring in the office, the governor shall without delay appoint a person to fill the vacancy and issue a writ of election to fill the vacancy. The secretary of state shall conduct the special election as provided in chapter 115.**

105.050. If any vacancy shall happen from any cause in the office of the [attorney general,] circuit attorney, prosecuting attorney or assistant prosecuting attorney, the governor, upon being satisfied that such vacancy exists, shall appoint some competent person to fill the same until the next regular election for [attorney general,] prosecuting attorney or assistant prosecuting attorney, as the case may be; provided, in the case of a vacancy in the office of prosecuting attorney, if there is no qualified person in the county who can or will accept such appointment, then the governor may appoint any person who possesses all the qualifications set forth in section 56.010, RSMo, except the qualification as to residence.”; and

Further amend said bill, Page 19, Section 190.056, Line 88 by inserting after all of said Section and Line the following:

“[30.070. When a vacancy occurs in the office of state treasurer, the governor shall immediately appoint a state treasurer to fill such vacancy for the residue of the term in which the vacancy occurred, and until his successor is elected or appointed, commissioned and qualified.]”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 282, Page 1, In the Title, Line 2, by inserting after the word “sections” the number “11.010,”; and

Further amend said bill, Page 1, In the Title, Line 4, by deleting the word “twenty” and inserting in lieu thereof the word “twenty-two”; and

Further amend said bill, Page 1, Section A, Line 1, by inserting after the word “Sections” the number “11.010,”; and

Further amend said bill, Page 1, Section A, Line 3, by deleting the word “twenty” and inserting in lieu thereof the word “twenty-two”; and

Further amend said bill, Page 1, Section A, Line 4, by inserting after the word “sections” the numbers “11.010, 11.025,”; and

Further amend said bill, Page 1, Section A, Line 6, by inserting after all of said line the following:

“11.010. The official manual, commonly known as the “Blue Book”, compiled and electronically published by the secretary of state on its official website is the official manual of this state, and it is

unlawful for any officer or employee of this state **except the secretary of state**, or any board, or department or any officer or employee thereof, to cause to be printed, at state expense, any duplication or rearrangement of any part of the manual. It is also unlawful for the secretary of state to publish, or permit to be published in the manual any duplication, or rearrangement of any part of any report, or other document, required to be printed at the expense of the state which has been submitted to and rejected by him or her as not suitable for publication in the manual.

11.025. Notwithstanding any other provision of law, the secretary of state may enter into an agreement directly with a nonprofit organization for such nonprofit organization to print and distribute copies of the official manual. The secretary of state shall provide to the organization the electronic version of the official manual prepared and published under this chapter. The nonprofit organization shall not alter, add, or delete any information provided by the secretary of state. Information published about the organization in the official manual shall be limited to the name of the organization and its contact information. The official manual shall not contain advertising or information promoting any entity or individual. The organization shall charge a fee for a copy of the official manual to cover the cost of production and distribution. The nonprofit organization shall be subject to an independent audit, ordered by the state and paid for by the nonprofit organization, to account for income and expenses for the sale, production, and distribution of the official manual. After such audit, any surplus funds generated by the nonprofit organization through the sale of the manual shall be transferred to the state treasurer for deposit in the state's general revenue fund.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 282, Page 19, Section 190.056, Line 88 by inserting after all of said section and line the following:

“Section 1. Notwithstanding the provisions of sections 77.230 and 78.440, any individual who is twenty four years of age or older shall be eligible to serve as mayor in a city of the third classification with a form of government organized under sections 78.430 to 78.640.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5 to House Committee Substitute for Senate Bill No. 282, Page 1, Line 4 by inserting after all of said Line the following:

“Further amend said bill, Page 5, Section 115.123, Line 4 by removing the brackets from the phrase: “February or”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 282, Page 3, Section 115.015, Line 2, by inserting at the end of said line the following:

“with the powers and duties subject to the limitations set forth in the respective charter,”; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SB 306**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 83**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 57**, entitled:

An Act to repeal section 475.115, RSMo, and to enact in lieu thereof one new section relating to public administrators.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 57, Section 475.115, Page 1, Line 15, by inserting the following after all of said Line:

“537.620. Notwithstanding any direct or implied prohibitions in chapter 375, 377, or 379, any three or more political subdivisions of this state may form a business entity for the purpose of providing liability and all other insurance, including insurance for elderly or low-income housing in which the political subdivision has an insurable interest, for any of the subdivisions upon the assessment plan as provided in sections 537.600 to 537.650. Any public governmental body or quasi-public governmental body, as defined in section 610.010, and any political subdivision of this state or any other state may join this entity and use public funds to pay any necessary assessments. Except for being subject to the regulation of the director of the department of insurance, financial institutions and professional registration under sections 375.930 to 375.948, sections 375.1000 to 375.1018, and sections 537.600 to 537.650, any such business entity shall not be deemed to be an insurance company or insurer under the laws of this state, and the coverage provided by such entity and the administration of such entity shall not be deemed to constitute the transaction of an insurance business. **Risk coverages procured under this section shall not be deemed to constitute a contract, purchase, or expenditure of public funds for which a public governmental body, quasi-public governmental body, or political subdivision is required to solicit competitive bids.**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **SB 165**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS No. 2** for **SB 96**, entitled:

An Act to authorize the conveyance of various properties owned by the state, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

President Pro Tem Mayer assumed the Chair.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Ridgeway, Chairman of the Committee on Health, Mental Health, Seniors and Families, Senator Dempsey submitted the following reports:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **HB 667**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **HCS** for **HB 431**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Purgason, Chairman of the Committee on Ways and Means and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Ways and Means and Fiscal Oversight, to which was referred **HB 151**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Engler, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 697**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 661**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 591**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 464**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 412**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 407**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 265**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Stouffer, Chairman of the Committee on Transportation, Senator Dempsey submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **HB 484**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HCS** for **HB 430**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 1008**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Goodman, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 604**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 111**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **HCS** for **HB 562**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **HB 525**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **HCS** for **HB 523**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Cunningham, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **HB 139**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HB 167**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 167, Page 2, Section 302.173, Line 34, by striking the following: “neither supply nor permit” and inserting in lieu thereof the following: “**not supply**”.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HB 402**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HCS** for **HBs 470** and **429**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Schmitt, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HCS** for **HB 38**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 68**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HCS** for **HB 161**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 184**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HCS** for **HB 664**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HCS** for **HB 366**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 675**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Munzlinger, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HCS** for **HJR 3**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HB 458**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Purgason, Chairman of the Committee on Ways and Means and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Ways and Means and Fiscal Oversight, to which was referred **HCS** for **HB 89**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Pearce assumed the Chair.

HOUSE BILLS ON SECOND READING

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

HCS for **HB 773**—Small Business, Insurance and Industry.

HCS for **HJR 16**—Financial and Governmental Organizations and Elections.

HCS for HB 552—Financial and Governmental Organizations and Elections.

HCS for HB 787—Financial and Governmental Organizations and Elections.

HCS for HB 597—Agriculture, Food Production and Outdoor Resources.

HJR 27—General Laws.

PRIVILEGED MOTIONS

Senator Schaefer moved that the Senate refuse to concur in **HCS for SS for SB 135**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Engler moved that the Senate refuse to concur in **HCS for SB 282**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Stouffer assumed the Chair.

Senator Pearce moved that **SCS for SB 163**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SCS for SB 163, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 163

An Act to repeal sections 172.030, 173.005, and 174.450, RSMo, and to enact in lieu thereof three new sections relating to higher education governing boards, with an existing penalty provision.

Was taken up.

Senator Pearce moved that **HCS for SCS for SB 163**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

On motion of Senator Pearce, **HCS for SCS for SB 163**, as amended, was read the 3rd time and passed

by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Engler moved that **SB 96**, with **HCS No. 2**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS No. 2 for **SB 96**, entitled:

HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR
SENATE BILL NO. 96

An Act to authorize the conveyance of various properties owned by the state, with an emergency clause.

Was taken up.

Senator Engler moved that **HCS No. 2** for **SB 96** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

On motion of Senator Engler, **HCS No. 2** for **SB 96** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Engler
Goodman	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	Lembke
Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Dixon—1

Absent with leave—Senator Green—1

Vacancies—None

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

HB 282, with **SCS**, introduced by Representative Franz, entitled:

An Act to repeal sections 105.915 and 105.927, RSMo, and to enact in lieu thereof two new sections relating to the state employee deferred contribution program.

Was called from the Informal Calendar and taken up by Senator Crowell.

SCS for **HB 282**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 282**

An Act to repeal sections 70.710, 70.720, 70.730, 105.915, and 105.927, RSMo, and to enact in lieu thereof six new sections relating to public employee retirement.

Was taken up.

Senator Crowell moved that **SCS** for **HB 282** be adopted.

Senator Crowell offered **SS** for **SCS** for **HB 282**:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 282**

An Act to repeal sections 70.710, 70.720, 70.730, 86.900, 86.1030, 86.1100, 86.1110, 86.1120, 86.1140, 86.1150, 86.1230, 86.1240, 86.1250, 86.1310, 86.1420, 86.1480, 86.1490, 86.1500, 86.1510, 86.1540, 86.1560, 86.1600, 86.1610, 86.1620, 87.205, 87.207, 105.915, and 105.927, RSMo, and to enact in lieu thereof thirty-one new sections relating to public employee retirement.

Senator Crowell moved that **SS** for **SCS** for **HB 282** be adopted.

Senator Crowell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 282, Page 65, Section 104.603, Line 12 of said page, by inserting immediately after said line the following:

“105.661. 1. Each plan shall annually prepare and have available as public information a comprehensive annual financial report showing the financial condition of the plan as of the end of the plan's fiscal year. The report shall contain, but not be limited to, detailed financial statements prepared in accordance with generally accepted accounting principles for public employee retirement systems including an independent auditors report thereon, prepared by a certified public accountant or a firm of certified public accountants, a detailed summary of the plan's most recent actuarial valuation including a certification letter from the actuary and a summary of actuarial assumptions and methods used in such valuation, a detailed listing of the investments, showing both cost and market value, held by the plan as of the date of the report together with a detailed statement of the annual rates of investment return from all assets and from each type of investment, a detailed list of investments acquired and disposed of during the fiscal year, a listing of the plan's board of trustees or responsible administrative body and administrative staff, a detailed list of administrative expenses of the plan including all fees paid for professional services, a detailed list of brokerage commissions paid, a summary plan description, and such other data as the plan shall deem

necessary or desirable for a proper understanding of the condition of the plan. In the event a plan is unable to comply with any of the disclosure requirements outlined above, a detailed statement must be included in the report as to the reason for such noncompliance.

2. Any rule or portion of rule promulgated by any plan pursuant to the authority of chapter 536, or of any other provision of law, shall be submitted to the joint committee on public employee retirement prior to or concurrent with the filing of a notice of proposed rulemaking with the secretary of state's office pursuant to section 536.021. The requirement of this subsection is intended solely for the purpose of notifying the joint committee on public employee retirement with respect to a plan's proposed rulemaking so that the joint committee on public employee retirement has ample opportunity to submit comments with respect to such proposed rulemaking in accordance with the normal process. Any plan not required to file a notice of proposed rulemaking with the secretary of state's office shall submit any proposed rule or portion of a rule to the joint committee on public employee retirement within ten days of its promulgation.

3. A copy of the comprehensive annual financial report as outlined in subsection 1 of this section shall be forwarded within six months of the end of the plan's fiscal year to the state auditor and the joint committee on public employee retirement.

4. Each defined benefit plan shall submit a quarterly report regarding the plan's investment performance to the joint committee on public employee retirement in the form and manner requested by the committee. If the plan fails to submit this report, the committee may subpoena witnesses, take testimony under oath, and compel the production of records regarding this information, pursuant to its authority under section 21.561.”; and

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted.

At the request of Senator Crowell, **HB 282**, with **SCS, SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

HCS for **HB 338** was called from the Informal Calendar and taken up by Senator Lager.

Senator Lager offered **SS** for **HCS** for **HB 338**:

SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 338

An Act to amend chapter 392, RSMo, by adding thereto one new section relating to telecommunications.

Senator Lager moved that **SS** for **HCS** for **HB 338** be adopted, which motion prevailed.

Senator Schmitt assumed the Chair.

On motion of Senator Lager, **SS** for **HCS** for **HB 338** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Lager, title to the bill was agreed to.

Senator Lager moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Callahan moved that **SCS** for **SB 57**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 57**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 57

An Act to repeal section 475.115, RSMo, and to enact in lieu thereof one new section relating to public administrators.

Was taken up.

Senator Callahan moved that **HCS** for **SCS** for **SB 57**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Keaveny	Kehoe	Kraus	Lager	Lamping	Lembke
Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Justus—1

Absent with leave—Senator Green—1

Vacancies—None

Senator Pearce assumed the Chair.

On motion of Senator Callahan, **HCS** for **SCS** for **SB 57**, as amended, was read the 3rd time and passed

by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Callahan, title to the bill was agreed to.

Senator Callahan moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

At the request of Senator Lager, **HB 462**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 89**, with **SCS**, entitled:

An Act to repeal sections 253.090, 644.036, and 644.054, RSMo, and to enact in lieu thereof three new sections relating to funding for the department of natural resources, with an emergency clause.

Was taken up by Senator Lager.

SCS for **HCS** for **HB 89**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 89

An Act to repeal sections 247.060, 253.082, 253.090, 256.400, 260.262, 260.380, 260.475, 260.965, 319.132, 386.850, 414.072, 621.250, 643.020, 643.040, 643.050, 643.060, 643.079, 643.080, 643.130, 643.191, 643.225, 643.232, 643.237, 643.240, 643.242, 643.245, 643.250, 643.253, 643.260, 644.036, 644.051, 644.054, 644.071, 701.033, and 701.332, RSMo, and to enact in lieu thereof forty-six new sections relating to natural resources, with penalty provisions and an emergency clause.

Was taken up.

Senator Lager moved that **SCS** for **HCS** for **HB 89** be adopted.

Senator Lager offered **SS** for **SCS** for **HCS** for **HB 89**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 89

An Act to repeal sections 247.060, 253.082, 253.090, 260.262, 260.380, 260.475, 260.965, 304.120, 319.132, 386.850, 414.072, 444.773, 621.250, 643.020, 643.040, 643.050, 643.060, 643.079, 643.080, 643.130, 643.191, 643.225, 643.232, 643.237, 643.240, 643.242, 643.245, 643.250, 643.253, 643.260, 644.036, 644.051, 644.054, 644.071, 701.033, and 701.332, RSMo, and to enact in lieu thereof fifty-three new sections relating to natural resources, with penalty provisions and an emergency clause.

Senator Lager moved that **SS** for **SCS** for **HCS** for **HB 89** be adopted.

At the request of Senator Lager, **HCS** for **HB 89**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

HCS for **HB 578**, with **SCS**, entitled:

An Act to amend chapter 260, RSMo, by adding thereto one new section relating to the disposal of tires.

Was taken up by Senator Lager.

SCS for **HCS** for **HB 578**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 578

An Act to amend chapter 260, RSMo, by adding thereto one new section relating to the disposal of tires.

Was taken up.

Senator Lager moved that **SCS** for **HCS** for **HB 578** be adopted, which motion prevailed.

On motion of Senator Lager, **SCS** for **HCS** for **HB 578** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Lager, title to the bill was agreed to.

Senator Lager moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HB 737, with **SCS**, introduced by Representatives Redmon and Shumake, entitled:

An Act to repeal sections 137.010, 137.073, and 137.080, RSMo, section 137.115 as enacted by senate committee substitute for senate bill no. 630, ninety-fifth general assembly, second regular session, and section 137.115 as enacted by senate substitute for senate committee substitute for house committee substitute for house bill no. 2058 merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 711 merged with conference committee substitute for house committee substitute no. 2 for senate substitute for senate committee substitute for senate bill no. 718, ninety-fourth general assembly, second regular session, and to enact in lieu thereof four new sections relating to tangible personal property.

Was taken up by Senator Lager.

SCS for **HB 737**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 737

An Act to repeal sections 135.950, 135.963, and 137.010, RSMo, section 135.953 as enacted by conference committee substitute for senate committee substitute for house committee substitute for house bill no. 1965, ninety-fifth general assembly, second regular session, and section 135.953 as enacted by house committee substitute for senate committee substitute for senate bill no. 1155, ninety-second general assembly, second regular session, and to enact in lieu thereof four new sections relating to renewable energy.

Was taken up.

Senator Lager moved that **SCS** for **HB 737** be adopted, which motion prevailed.

Senator Ridgeway assumed the Chair.

On motion of Senator Lager, **SCS** for **HB 737** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Goodman	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	Lembke
Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Engler—1

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Lager, title to the bill was agreed to.

Senator Lager moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
May 5, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointments to office made by me and submitted to you for your advice and consent:

Craig Van Matre, Democrat, 450 Covered Bridge Road, Columbia, Boone County, Missouri 65203, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2013, and until his successor is duly appointed and qualified; vice, Buford Fraser, resigned.

Thomas Strong, Independent, 3967 Eaglescliffe Drive, Springfield, Greene County, Missouri 65809, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2012, and until his successor is duly appointed and qualified; vice, Thomas Strong, withdrawn.

Michelle R. Bernth, Independent, 528 Queens Court Place, Saint Peters, Saint Charles County, Missouri 63376, as a member of the Air Conservation Commission, for a term ending October 13, 2013, and until her successor is duly appointed and qualified; vice, Michelle R. Bernth, withdrawn.

John J. Hickey, 701 Wildrose Place, Columbia, Boone County, Missouri 65201, as a member of the Labor and Industrial Relations Commission, for a term ending July 27, 2014, and until his successor is duly appointed and qualified; vice, John J. Hickey, reappointed.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Mayer moved that the above appointments be returned to the Governor per his request, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 173**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS No. 2** for **SCS** for **SB 8**, as amended, and grants the Senate a conference thereon and the conferees be allowed to exceed the differences and the conferees be bound to chapter 287 with regard to the second injury fund.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 282**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SB 135**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HB 142** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Wasson moved that the Senate refuse to concur in **HCS** for **SB 220**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mayer appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 173**, as amended: Senators Dixon, Stouffer, Rupp, Callahan and Justus.

President Pro Tem Mayer appointed the following conference committee to act with a like committee from the House on **HCS** for **SS No. 2** for **SCS** for **SB 8**, as amended: Senators Goodman, Crowell, Pearce, Callahan and Green.

PRIVILEGED MOTIONS

Senator Dempsey moved that the Senate refuse to recede from its position on **SCS** for **HB 142**, as amended, and grant the House a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Crowell moved that **HB 282**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 1 was again taken up.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Keaveny offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 282, Page 59, Section 87.205, Line 8, by inserting after the word “student” the following: “, **fails to provide proof of achievement of a grade point average of two on a four-point scale or the equivalent on another scale for each academic term,**”.

Senator Keaveny moved that the above amendment be adopted, which motion prevailed.

Senator Crowell moved that **SS** for **SCS** for **HB 282**, as amended, be adopted, which motion prevailed.

On motion of Senator Crowell, **SS** for **SCS** for **HB 282**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Purgason—1

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mayer appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SB 135**, as amended: Senators Schaefer, Lager, Munzlinger, Justus and Green.

President Pro Tem Mayer appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 282**, as amended: Senators Engler, Wasson, Richard, Justus and Wright-Jones.

On motion of Senator Dempsey, the Senate recessed until 1:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Pearce.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2** and has taken up and

passed **CCS** for **SCS** for **HCS** for **HB 2**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 3** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 3**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 145**, entitled:

An Act to repeal sections 55.030, 56.807, 475.115, and 488.026, RSMo, and to enact in lieu thereof six new sections relating to political subdivisions.

With House Amendment Nos. 1, 2, 3, House Amendment No. 1 to House Amendment No. 4, House Amendment No. 4, as amended, House Amendment Nos. 5, 6, 7, 8, 9, 10, House Amendment No. 1 to House Amendment No. 11, House Amendment No. 11, as amended, House Amendment Nos. 12, 13, 14, 15, 16, 17, 18, 19, House Amendment No. 1 to House Amendment No. 20, House Amendment No. 20, as amended, House Amendment Nos. 21, 22, 23, House Amendment No. 1 to House Amendment No. 24, House Amendment No. 24, as amended, House Amendment Nos. 25, 26, House Amendment No. 1 to House Amendment No. 27, House Amendment No. 27, as amended, and House Amendment Nos. 28 and 29.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 145, Page 5, Section 67.319, Line 53, by inserting immediately after said line the following:

“311.297. 1. Any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide and pour distilled spirits, wine, or malt beverage samples off a licensed retail premises for tasting purposes provided no sales transactions take place. For purposes of this section, a “sales transaction” shall mean an actual and immediate exchange of monetary consideration for the immediate delivery of goods at the tasting site.

2. Notwithstanding any other provisions of this chapter to the contrary, any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide, furnish, or pour distilled spirits, wine, or malt beverage samples for customer tasting purposes on any temporary licensed retail premises as described in section 311.218, 311.482, 311.485, 311.486, or 311.487, or on any tax exempt organization’s licensed premises as described in section 311.090.

3. (1) Notwithstanding any other provisions of this chapter to the contrary, any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide or furnish distilled spirits, wine, or malt beverage samples on a licensed retail premises for customer tasting purposes so long as the winery, distiller, manufacturer, wholesaler, or brewer or designated employee has permission from the person holding the retail license. The retail licensed premises where such product tasting is provided shall maintain a special permit in accordance with section 311.294 or hold a by-the-drink-for-consumption-on-the-premises-where-sold retail license. No money or anything of value shall be given to the retailers for the privilege or opportunity of conducting the on-the-premises product tasting.

(2) Distilled spirits, wine, or malt beverage samples may be dispensed by an employee of the

retailer, winery, distiller, manufacturer, or brewer or by a sampling service retained by the retailer, winery, distiller, manufacturer, or brewer. All sampling service employees that provide and pour intoxicating liquor samples on a licensed retail premises shall be required to complete a server training program approved by the division of alcohol and tobacco control.

(3) Any distilled spirits, wine, or malt beverage sample provided by the retailer, winery, distiller, manufacturer, wholesaler, or brewer remaining after the tasting shall be returned to the retailer, winery, distiller, manufacturer, wholesaler, or brewer.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 145, Page 5, Section 67.319, Line 53, by inserting after all of said section and line, the following:

“67.1521. 1. A district may levy by resolution one or more special assessments against real property within its boundaries, upon receipt of and in accordance with a petition signed by:

(1) Owners of real property collectively owning more than fifty percent by assessed value of real property within the boundaries of the district; and

(2) More than fifty percent per capita of the owners of all real property within the boundaries of the district.

2. The special assessment petition shall be in substantially the following form:

The (insert name of district) Community Improvement District (“District”) shall be authorized to levy special assessments against real property benefited within the District for the purpose of providing revenue for (insert general description of specific service and/or projects) in the district, such special assessments to be levied against each tract, lot or parcel of real property listed below within the district which receives special benefit as a result of such service and/or projects, the cost of which shall be allocated among this property by (insert method of allocation, e.g., per square foot of property, per square foot on each square foot of improvement, or by abutting foot of property abutting streets, roads, highways, parks or other improvements, or any other reasonable method) in an amount not to exceed dollars per (insert unit of measure). Such authorization to levy the special assessment shall expire on (insert date). The tracts of land located in the district which will receive special benefit from this service and/or projects are: (list of properties by common addresses and legal descriptions).

3. The method for allocating such special assessments set forth in the petition may be any reasonable method which results in imposing assessments upon real property benefited in relation to the benefit conferred upon each respective tract, lot or parcel of real property and the cost to provide such benefit.

4. By resolution of the board, the district may levy a special assessment rate lower than the rate ceiling set forth in the petition authorizing the special assessment and may increase such lowered special assessment rate to a level not exceeding the special assessment rate ceiling set forth in the petition without further approval of the real property owners; provided that a district imposing a special assessment pursuant to this section may not repeal or amend such special assessment or lower the rate of such special assessment if such repeal, amendment or lower rate will impair the district's ability to pay any liabilities that it has incurred, money that it has borrowed or obligations that it has issued.

5. Each special assessment which is due and owing shall constitute a perpetual lien against each tract, lot or parcel of property from which it is derived. Such lien may be foreclosed in the same manner as any other special assessment lien as provided in section 88.861 **or, at the option of the county collector, and upon certification by the district for collection, each special assessment may be added to the annual real estate tax bill for the property and collected by the county collector in the same manner and procedure for collecting real estate taxes. Each special assessment remaining unpaid on the first day of January annually is delinquent and enforcement of collection of the delinquent bill by the county collector shall be governed by the laws concerning delinquent and back taxes. The lien may be foreclosed in the same manner as a tax upon real property by land tax sale pursuant to Chapter 140 or, if applicable to that county, Chapter 141.**

6. A separate fund or account shall be created by the district for each special assessment levied and each fund or account shall be identifiable by a suitable title. The proceeds of such assessments shall be credited to such fund or account. Such fund or account shall be used solely to pay the costs incurred in undertaking the specified service or project.

7. Upon completion of the specified service or project or both, the balance remaining in the fund or account established for such specified service or project or both shall be returned or credited against the amount of the original assessment of each parcel of property pro rata based on the method of assessment of such special assessment.

8. Any funds in a fund or account created pursuant to this section which are not needed for current expenditures may be invested by the board in accordance with applicable laws relating to the investment of funds of the city in which the district is located.

9. The authority of the district to levy special assessments shall be independent of the limitations and authorities of the municipality in which it is located; specifically, the provisions of section 88.812 shall not apply to any district.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 145, Page 5, Section 67.319, Line 53, by inserting after all of said line the following:

“447.708. 1. For eligible projects, the director of the department of economic development, with notice to the directors of the departments of natural resources and revenue, and subject to the other provisions of sections 447.700 to 447.718, may not create a new enterprise zone but may decide that a prospective operator of a facility being remedied and renovated pursuant to sections 447.700 to 447.718 may receive the tax credits and exemptions pursuant to sections 135.100 to 135.150 and sections 135.200 to 135.257. The tax credits allowed pursuant to this subsection shall be used to offset the tax imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or the tax otherwise imposed by chapter 147, or the tax otherwise imposed by chapter 148. For purposes of this subsection:

(1) For receipt of the ad valorem tax abatement pursuant to section 135.215, the eligible project must create at least ten new jobs or retain businesses which supply at least twenty-five existing jobs. The city, or county if the eligible project is not located in a city, must provide ad valorem tax abatement of at least fifty percent for a period not less than ten years and not more than twenty-five years;

(2) For receipt of the income tax exemption pursuant to section 135.220 and tax credit for new or expanded business facilities pursuant to sections 135.100 to 135.150, and 135.225, the eligible project must create at least ten new jobs or retain businesses which supply at least twenty-five existing jobs, or combination thereof. For purposes of sections 447.700 to 447.718, the tax credits described in section 135.225 are modified as follows: the tax credit shall be four hundred dollars per employee per year, an additional four hundred dollars per year for each employee exceeding the minimum employment thresholds of ten and twenty-five jobs for new and existing businesses, respectively, an additional four hundred dollars per year for each person who is a person difficult to employ as defined by section 135.240, and investment tax credits at the same amounts and levels as provided in subdivision (4) of subsection 1 of section 135.225;

(3) For eligibility to receive the income tax refund pursuant to section 135.245, the eligible project must create at least ten new jobs or retain businesses which supply at least twenty-five existing jobs, or combination thereof, and otherwise comply with the provisions of section 135.245 for application and use of the refund and the eligibility requirements of this section;

(4) The eligible project operates in compliance with applicable environmental laws and regulations, including permitting and registration requirements, of this state as well as the federal and local requirements;

(5) The eligible project operator shall file such reports as may be required by the director of economic development or the director's designee;

(6) The taxpayer may claim the state tax credits authorized by this subsection and the state income exemption for a period not in excess of ten consecutive tax years. For the purpose of this section, "taxpayer" means an individual proprietorship, partnership or corporation described in section 143.441 or 143.471 who operates an eligible project. The director shall determine the number of years the taxpayer may claim the state tax credits and the state income exemption based on the projected net state economic benefits attributed to the eligible project;

(7) For the purpose of meeting the new job requirement prescribed in subdivisions (1), (2) and (3) of this subsection, it shall be required that at least ten new jobs be created and maintained during the taxpayer's tax period for which the credits are earned, in the case of an eligible project that does not replace a similar facility in Missouri. "New job" means a person who was not previously employed by the taxpayer or related taxpayer within the twelve-month period immediately preceding the time the person was employed by that taxpayer to work at, or in connection with, the eligible project on a full-time basis. "Full-time basis" means the employee works an average of at least thirty-five hours per week during the taxpayer's tax period for which the tax credits are earned. For the purposes of this section, related taxpayer has the same meaning as defined in subdivision (9) of section 135.100;

(8) For the purpose of meeting the existing job retention requirement, if the eligible project replaces a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, it shall be required that at least twenty-five existing jobs be retained at, and in connection with the eligible project, on a full-time basis during the taxpayer's tax period for which the credits are earned. "Retained job" means a person who was previously employed by the taxpayer or related taxpayer, at a facility similar to the eligible project that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, within the tax period immediately preceding the time the person was employed by the taxpayer to work at, or in connection with, the eligible project on a full-time basis. "Full-time basis" means the employee works an average of at least thirty-five hours per

week during the taxpayer's tax period for which the tax credits are earned;

(9) In the case where an eligible project replaces a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, the owner and operator of the eligible project shall provide the director with a written statement explaining the reason for discontinuing operations at the closed facility. The statement shall include a comparison of the activities performed at the closed facility prior to the date the facility ceased operating, to the activities performed at the eligible project, and a detailed account describing the need and rationale for relocating to the eligible project. If the director finds the relocation to the eligible project significantly impaired the economic stability of the area in which the closed facility was located, and that such move was detrimental to the overall economic development efforts of the state, the director may deny the taxpayer's request to claim tax benefits;

(10) Notwithstanding any provision of law to the contrary, for the purpose of this section, the number of new jobs created and maintained, the number of existing jobs retained, and the value of new qualified investment used at the eligible project during any tax year shall be determined by dividing by twelve, in the case of jobs, the sum of the number of individuals employed at the eligible project, or in the case of new qualified investment, the value of new qualified investment used at the eligible project, on the last business day of each full calendar month of the tax year. If the eligible project is in operation for less than the entire tax year, the number of new jobs created and maintained, the number of existing jobs retained, and the value of new qualified investment created at the eligible project during any tax year shall be determined by dividing the sum of the number of individuals employed at the eligible project, or in the case of new qualified investment, the value of new qualified investment used at the eligible project, on the last business day of each full calendar month during the portion of the tax year during which the eligible project was in operation, by the number of full calendar months during such period;

(11) For the purpose of this section, "new qualified investment" means new business facility investment as defined and as determined in subdivision (7) of section 135.100 which is used at and in connection with the eligible project. "New qualified investment" shall not include small tools, supplies and inventory. "Small tools" means tools that are portable and can be hand held.

2. The determination of the director of economic development pursuant to subsection 1 of this section shall not affect requirements for the prospective purchaser to obtain the approval of the granting of real property tax abatement by the municipal or county government where the eligible project is located.

3. (1) The director of the department of economic development, with the approval of the director of the department of natural resources, may, in addition to the tax credits allowed in subsection 1 of this section, grant a remediation tax credit to the applicant for up to one hundred percent of the costs of materials, supplies, equipment, labor, professional engineering, consulting and architectural fees, permitting fees and expenses, demolition, asbestos abatement, **environmental insurance premiums, backfill of areas where contaminated soil excavation occurs**, and direct utility charges for performing the voluntary remediation activities for the preexisting hazardous substance contamination and releases, including, but not limited to, the costs of performing operation and maintenance of the remediation equipment at the property beyond the year in which the systems and equipment are built and installed at the eligible project and the costs of performing the voluntary remediation activities over a period not in excess of four tax years following the taxpayer's tax year in which the system and equipment were first put into use at the eligible project, provided the remediation activities are the subject of a plan submitted to, and approved by, the director of natural resources pursuant to sections 260.565 to 260.575. The tax credit may also include up to one

hundred percent of the costs of demolition that are not directly part of the remediation activities, provided that the demolition is on the property where the voluntary remediation activities are occurring, the demolition is necessary to accomplish the planned use of the facility where the remediation activities are occurring, and the demolition is part of a redevelopment plan approved by the municipal or county government and the department of economic development. The demolition may occur on an adjacent property if the project is located in a municipality which has a population less than twenty thousand and the above conditions are otherwise met. The adjacent property shall independently qualify as abandoned or underutilized. The amount of the credit available for demolition not associated with remediation cannot exceed the total amount of credits approved for remediation including demolition required for remediation.

(2) The amount of remediation tax credits issued shall be limited to the least amount necessary to cause the project to occur, as determined by the director of the department of economic development.

(3) The director may, with the approval of the director of natural resources, extend the tax credits allowed for performing voluntary remediation maintenance activities, in increments of three-year periods, not to exceed five consecutive three-year periods. The tax credits allowed in this subsection shall be used to offset the tax imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or the tax otherwise imposed by chapter 147, or the tax otherwise imposed by chapter 148.

The remediation tax credit may be taken in the same tax year in which the tax credits are received or may be taken over a period not to exceed twenty years.

(4) The project facility shall be projected to create at least ten new jobs or at least twenty-five retained jobs, or a combination thereof, as determined by the department of economic development, to be eligible for tax credits pursuant to this section.

(5) No more than seventy-five percent of earned remediation tax credits may be issued when the remediation costs were paid, and the remaining percentage may be issued when the department of natural resources issues a letter of completion letter or covenant not to sue following completion of the voluntary remediation activities. It shall not include any costs associated with ongoing operational environmental compliance of the facility or remediation costs arising out of spills, leaks, or other releases arising out of the ongoing business operations of the facility. In the event the department of natural resources issues a letter of completion for a portion of a property, an impacted media such as soil or groundwater, or for a site or a portion of a site improvement, a prorated amount of the remaining percentage may be released based on the percentage of the total site receiving a letter of completion.

4. In the exercise of the sound discretion of the director of the department of economic development or the director's designee, the tax credits and exemptions described in this section may be terminated, suspended or revoked, if the eligible project fails to continue to meet the conditions set forth in this section. In making such a determination, the director shall consider the severity of the condition violation, actions taken to correct the violation, the frequency of any condition violations and whether the actions exhibit a pattern of conduct by the eligible facility owner and operator. The director shall also consider changes in general economic conditions and the recommendation of the director of the department of natural resources, or his or her designee, concerning the severity, scope, nature, frequency and extent of any violations of the environmental compliance conditions. The taxpayer or person claiming the tax credits or exemptions may appeal the decision regarding termination, suspension or revocation of any tax credit or exemption in accordance with the procedures outlined in subsections 4 [to 6] **and 5** of section 135.250. The director of the department of economic development shall notify the directors of the departments of natural resources

and revenue of the termination, suspension or revocation of any tax credits as determined in this section or pursuant to the provisions of section 447.716.

5. Notwithstanding any provision of law to the contrary, no taxpayer shall earn the tax credits, exemptions or refund otherwise allowed in subdivisions (2), (3) and (4) of subsection 1 of this section and the tax credits otherwise allowed in section 135.110, or the tax credits, exemptions and refund otherwise allowed in sections 135.215, 135.220, 135.225 and 135.245, respectively, for the same facility for the same tax period.

6. The total amount of the tax credits allowed in subsection 1 of this section may not exceed the greater of:

(1) That portion of the taxpayer's income attributed to the eligible project; or

(2) One hundred percent of the total business' income tax if the eligible facility does not replace a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, and further provided the taxpayer does not operate any other facilities besides the eligible project in Missouri; fifty percent of the total business' income tax if the eligible facility replaces a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the credits are earned, and further provided the taxpayer does not operate any other facilities besides the eligible project in Missouri; or twenty-five percent of the total business income if the taxpayer operates, in addition to the eligible facility, any other facilities in Missouri. In no case shall a taxpayer operating more than one eligible project in Missouri be allowed to offset more than twenty-five percent of the taxpayer's business income in any tax period. That portion of the taxpayer's income attributed to the eligible project as referenced in subdivision (1) of this subsection, for which the credits allowed in sections 135.110 and 135.225 and subsection 3 of this section, may apply, shall be determined in the same manner as prescribed in subdivision (6) of section 135.100. That portion of the taxpayer's franchise tax attributed to the eligible project for which the remediation tax credit may offset, shall be determined in the same manner as prescribed in paragraph (a) of subdivision (6) of section 135.100.

7. Taxpayers claiming the state tax benefits allowed in subdivisions (2) and (3) of subsection 1 of this section shall be required to file all applicable tax credit applications, forms and schedules prescribed by the director during the taxpayer's tax period immediately after the tax period in which the eligible project was first put into use. Otherwise, the taxpayer's right to claim such state tax benefits shall be forfeited. Unused business facility and enterprise zone tax credits shall not be carried forward but shall be initially claimed for the tax period during which the eligible project was first capable of being used, and during any applicable subsequent tax periods.

8. Taxpayers claiming the remediation tax credit allowed in subsection 3 of this section shall be required to file all applicable tax credit applications, forms and schedules prescribed by the director during the taxpayer's tax period immediately after the tax period in which the eligible project was first put into use, or during the taxpayer's tax period immediately after the tax period in which the voluntary remediation activities were performed.

9. The recipient of remediation tax credits, for the purpose of this subsection referred to as assignor, may assign, sell or transfer, in whole or in part, the remediation tax credit allowed in subsection 3 of this section to any other person, for the purpose of this subsection referred to as assignee. To perfect the transfer, the assignor shall provide written notice to the director of the assignor's intent to transfer the tax credits to the assignee, the date the transfer is effective, the assignee's name, address and the assignee's tax period and

the amount of tax credits to be transferred. The number of tax periods during which the assignee may subsequently claim the tax credits shall not exceed twenty tax periods, less the number of tax periods the assignor previously claimed the credits before the transfer occurred.

10. In the case where an operator and assignor of an eligible project has been certified to claim state tax benefits allowed in subdivisions (2) and (3) of subsection 1 of this section, and sells or otherwise transfers title of the eligible project to another taxpayer or assignee who continues the same or substantially similar operations at the eligible project, the director shall allow the assignee to claim the credits for a period of time to be determined by the director; except that, the total number of tax periods the tax credits may be earned by the assignor and the assignee shall not exceed ten. To perfect the transfer, the assignor shall provide written notice to the director of the assignor's intent to transfer the tax credits to the assignee, the date the transfer is effective, the assignee's name, address, and the assignee's tax period, and the amount of tax credits to be transferred.

11. For the purpose of the state tax benefits described in this section, in the case of a corporation described in section 143.471 or partnership, in computing Missouri's tax liability, such state benefits shall be allowed to the following:

(1) The shareholders of the corporation described in section 143.471;

(2) The partners of the partnership. The credit provided in this subsection shall be apportioned to the entities described in subdivisions (1) and (2) of this subsection in proportion to their share of ownership on the last day of the taxpayer's tax period.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 4

Amend House Amendment No. 4 to House Committee Substitute for Senate Bill No. 145, Page 2, Line 12, by inserting the following after all of said Line:

“67.1303. 1. The governing body of any home rule city with more than one hundred fifty-one thousand five hundred but less than one hundred fifty-one thousand six hundred inhabitants, any home rule city with more than forty-five thousand five hundred but less than forty-five thousand nine hundred inhabitants and the governing body of any city within any county of the first classification with more than one hundred four thousand six hundred but less than one hundred four thousand seven hundred inhabitants and the governing body of any county of the third classification without a township form of government and with more than forty thousand eight hundred but less than forty thousand nine hundred inhabitants or any city within such county may impose, by order or ordinance, a sales tax on all retail sales made in the city or county which are subject to sales tax under chapter 144. In addition, the governing body of any county of the first classification with more than eighty-five thousand nine hundred but less than eighty-six thousand inhabitants or the governing body of any home rule city with more than seventy-three thousand but less than seventy-five thousand inhabitants may impose, by order or ordinance, a sales tax on all retail sales made in the city or county which are subject to sales tax under chapter 144. The tax authorized in this section shall not be more than one-half of one percent. The order or ordinance imposing the tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general or primary election a proposal to authorize the governing body to impose a tax under this section. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be

stated separately from all other charges and taxes.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city or county) impose a sales tax at a rate of (insert rate of percent) percent for economic development purposes?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question, provided that no proposal shall be resubmitted to the voters sooner than twelve months from the date of the submission of the last proposal.

3. No revenue generated by the tax authorized in this section shall be used for any retail development project. At least twenty percent of the revenue generated by the tax authorized in this section shall be used solely for projects directly related to long-term economic development preparation, including, but not limited to, the following:

- (1) Acquisition of land;
- (2) Installation of infrastructure for industrial or business parks;
- (3) Improvement of water and wastewater treatment capacity;
- (4) Extension of streets;
- (5) Providing matching dollars for state or federal grants;
- (6) Marketing;
- (7) **Construction and operation of job training and educational facilities;**

(8) Providing grants and low-interest loans to companies for job training, equipment acquisition, site development, and infrastructure. Not more than twenty-five percent of the revenue generated may be used annually for administrative purposes, including staff and facility costs.

4. All revenue generated by the tax shall be deposited in a special trust fund and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city or county funds.

5. Any city or county imposing the tax authorized in this section shall establish an economic development tax board. The board shall consist of eleven members, to be appointed as follows:

(1) Two members shall be appointed by the school boards whose districts are included within any economic development plan or area funded by the sales tax authorized in this section. Such members shall be appointed in any manner agreed upon by the affected districts;

(2) One member shall be appointed, in any manner agreed upon by the affected districts, to represent

all other districts levying ad valorem taxes within the area selected for an economic development project or area funded by the sales tax authorized in this section, excluding representatives of the governing body of the city or county;

(3) One member shall be appointed by the largest public school district in the city or county;

(4) In each city or county, five members shall be appointed by the chief elected officer of the city or county with the consent of the majority of the governing body of the city or county;

(5) In each city, two members shall be appointed by the governing body of the county in which the city is located. In each county, two members shall be appointed by the governing body of the county. At the option of the members appointed by a city or county the members who are appointed by the school boards and other taxing districts may serve on the board for a term to coincide with the length of time an economic development project, plan, or designation of an economic development area is considered for approval by the board, or for the definite terms as provided in this subsection. If the members representing school districts and other taxing districts are appointed for a term coinciding with the length of time an economic development project, plan, or area is approved, such term shall terminate upon final approval of the project, plan, or designation of the area by the governing body of the city or county. If any school district or other taxing jurisdiction fails to appoint members of the board within thirty days of receipt of written notice of a proposed economic development plan, economic development project, or designation of an economic development area, the remaining members may proceed to exercise the power of the board. Of the members first appointed by the city or county, three shall be designated to serve for terms of two years, three shall be designated to serve for a term of three years, and the remaining members shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed by the city or county shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments.

6. The board, subject to approval of the governing body of the city or county, shall develop economic development plans, economic development projects, or designations of an economic development area, and shall hold public hearings and provide notice of any such hearings. The board shall vote on all proposed economic development plans, economic development projects, or designations of an economic development area, and amendments thereto, within thirty days following completion of the hearing on any such plan, project, or designation, and shall make recommendations to the governing body within ninety days of the hearing concerning the adoption of or amendment to economic development plans, economic development projects, or designations of an economic development area.

7. The board shall report at least annually to the governing body of the city or county on the use of the funds provided under this section and on the progress of any plan, project, or designation adopted under this section.

8. The governing body of any city or county that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city or county. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the city or county) repeal the sales tax imposed at a rate of (insert rate of percent) percent for economic development purposes?

☐ YES

☐ NO

If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on

December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters of the city or county, and the repeal is approved by a majority of the qualified voters voting on the question.

9. Whenever the governing body of any city or county that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the city or county voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.”; and”;

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 145, Page 5, Section 67.319, Line 53 by inserting after all of said section and line the following:

“71.220. 1. The various cities, towns and villages in this state, whether organized under special charter or under the general laws of the state, are hereby authorized and empowered to, by ordinance, cause all persons who have been convicted and sentenced by the court having jurisdiction, for violation of ordinance of such city, town or village, whether the punishment be by fine or imprisonment, or by both, to be put to work and perform labor on the public streets, highways and alleys or other public works or buildings of such city, town or village, for such purposes as such city, town or village may deem necessary. And the marshal, constable, street commissioner, or other proper officer of such city, town or village, shall have power and be authorized and required to have or cause all such prisoners as may be directed by the mayor, or other chief officer of such city, town or village, to work out the full number of days for which they may have been sentenced, at breaking rock, or at working upon such public streets, highways or alleys or other public works or buildings of such city, town or village as may have been designated. And if the punishment is by fine, and the fine be not paid, then for [every ten dollars of such judgment] **a portion of such judgment that is equal to the greater of the actual daily cost of incarcerating the prisoner or the amount the municipality is reimbursed by the state for incarcerating the prisoner**, the prisoner shall work one day. And it shall be deemed a part of the judgment and sentence of the court that such prisoner may be worked as herein provided.

2. When a fine is assessed for violation of an ordinance, it shall be within the discretion of the judge, or other official, assessing the fine to provide for the payment of the fine on an installment basis under such terms and conditions as he may deem appropriate.”; and

Further amend said bill, Page 6, Section 488.026, Line 12 by inserting after all of said section and line the following:

“488.426. 1. The judges of the circuit court, en banc, in any circuit in this state may require any party filing a civil case in the circuit court, at the time of filing the suit, to deposit with the clerk of the court a

surcharge in addition to all other deposits required by law or court rule. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or are to be paid by the county or state or any city.

2. The surcharge in effect on August 28, 2001, shall remain in effect until changed by the circuit court. The circuit court in any circuit, except the circuit court in Jackson County, may change the fee to any amount not to exceed fifteen dollars. The circuit court in Jackson County may change the fee to any amount not to exceed twenty dollars. A change in the fee shall become effective and remain in effect until further changed.

3. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or are paid by the county or state or any city.

4. In addition to any fee authorized by subsection 1 of this section, any county of the first classification with more than ninety-three thousand eight hundred but less than ninety-three thousand nine hundred inhabitants may impose an additional fee of ten dollars excluding cases concerning adoption and those in small claims court. The provisions of this subsection shall expire on December 31, 2014.

5. Any county of the first classification with more than two hundred forty thousand three hundred but fewer than two hundred forty thousand four hundred inhabitants may charge an additional five dollars if approved by the county commission.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 145, Section 488.026, Page 6, Line 12, by inserting the following after all of said Lines:

“537.620. Notwithstanding any direct or implied prohibitions in chapter 375, 377, or 379, any three or more political subdivisions of this state may form a business entity for the purpose of providing liability and all other insurance, including insurance for elderly or low-income housing in which the political subdivision has an insurable interest, for any of the subdivisions upon the assessment plan as provided in sections 537.600 to 537.650. Any public governmental body or quasi-public governmental body, as defined in section 610.010, and any political subdivision of this state or any other state may join this entity and use public funds to pay any necessary assessments. Except for being subject to the regulation of the director of the department of insurance, financial institutions and professional registration under sections 375.930 to 375.948, sections 375.1000 to 375.1018, and sections 537.600 to 537.650, any such business entity shall not be deemed to be an insurance company or insurer under the laws of this state, and the coverage provided by such entity and the administration of such entity shall not be deemed to constitute the transaction of an insurance business. **Risk coverages procured under this section shall not be deemed to constitute a contract, purchase, or expenditure of public funds for which a public governmental body, quasi-public governmental body, or political subdivision is required to solicit competitive bids.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 145, Section 67.319, Page 5, Line 53, by inserting the following after all of said Line:

“72.401. 1. If a commission has been established pursuant to [section] **sections 72.400 to 72.423** in any county with a charter form of government where fifty or more cities, towns and villages have been

established, any boundary change within the county shall proceed solely and exclusively in the manner provided for by sections 72.400 to 72.423, notwithstanding any statutory provisions to the contrary concerning such boundary changes.

2. In any county with a charter form of government where fifty or more cities, towns and villages have been established, if the governing body of such county has by ordinance established a boundary commission, as provided in sections 72.400 to 72.423, then boundary changes in such county shall proceed only as provided in sections 72.400 to 72.423.

3. The commission shall be composed of eleven members as provided in this subsection. No member, employee or contractor of the commission shall be an elective official, employee or contractor of the county or of any political subdivision within the county or of any organization representing political subdivisions or officers or employees of political subdivisions. Each of the appointing authorities described in subdivisions (1) to (3) of this subsection shall appoint persons who shall be residents of their respective locality so described. The appointing authority making the appointments shall be:

(1) The chief elected officials of all municipalities wholly within the county which have a population of more than twenty thousand persons, who shall name two members to the commission as prescribed in this subsection each of whom is a resident of a municipality within the county of more than twenty thousand persons;

(2) The chief elected officials of all municipalities wholly within the county which have a population of twenty thousand or less but more than ten thousand persons, who shall name one member to the commission as prescribed in this subsection who is a resident of a municipality within the county with a population of twenty thousand or less but more than ten thousand persons;

(3) The chief elected officials of all municipalities wholly within the county which have a population of ten thousand persons or less, who shall name one member to the commission as prescribed in this subsection who is a resident of a municipality within the county with a population of ten thousand persons or less;

(4) An appointive body consisting of the director of the county department of planning, the president of the municipal league of the county, one additional person designated by the county executive, and one additional person named by the board of the municipal league of the county, which appointive body, acting by a majority of all of its members, shall name three members of the commission who are residents of the county; and

(5) The county executive of the county, who shall name four members of the commission, three of whom shall be from the unincorporated area of the county and one of whom shall be from the incorporated area of the county. The seat of a commissioner shall be automatically vacated when the commissioner changes his or her residence so as to no longer conform to the terms of the requirements of the commissioner's appointment. The commission shall promptly notify the appointing authority of such change of residence.

4. Upon the passage of an ordinance by the governing body of the county establishing a boundary commission, the governing body of the county shall, within ten days, send by United States mail written notice of the passage of the ordinance to the chief elected official of each municipality wholly or partly in the county.

5. Each of the appointing authorities described in subdivisions (1) to (4) of subsection 3 of this section

shall meet within thirty days of the passage of the ordinance establishing the commission to compile its list of appointees. Each list shall be delivered to the county executive within forty-one days of the passage of such ordinance. The county executive shall appoint members within forty-five days of the passage of the ordinance. If a list is not submitted by the time specified, the county executive shall appoint the members using the criteria of subsection 3 of this section before the sixtieth day from the passage of the ordinance. At the first meeting of the commission appointed after the effective date of the ordinance, the commissioners shall choose by lot the length of their terms. Three shall serve for one year, two for two years, two for three years, two for four years, and two for five years. All succeeding commissioners shall serve for five years. Terms shall end on December thirty-first of the respective year. No commissioner shall serve more than two consecutive full terms. Full terms shall include any term longer than two years.

6. When a member's term expires, or if a member is for any reason unable to complete his term, the respective appointing authority shall appoint such member's successor. Each appointing authority shall act to ensure that each appointee is secured accurately and in a timely manner, when a member's term expires or as soon as possible when a member is unable to complete his term. A member whose term has expired shall continue to serve until his successor is appointed and qualified.

7. The commission, its employees and subcontractors shall be subject to the regulation of conflicts of interest as defined in sections 105.450 to [105.498] **105.496** and to the requirements for open meetings and records under chapter 610.

8. Notwithstanding any provisions of law to the contrary, any boundary adjustment approved by the residential property owners and the governing bodies of the affected municipalities or the county, if involved, shall not be subject to commission review. Such a boundary adjustment is not prohibited by the existence of an established unincorporated area.

9. Notwithstanding any provisions of law to the contrary, any voluntary annexation approved by ordinance of any municipality that is a service provider for both water and sewer service within the municipality shall be effective as provided in such annexation ordinance and shall not be subject to boundary commission review. Such an annexation is not prohibited by the existence of an established unincorporated area.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 145, Page 1, Section A, Line 3, by inserting after all of said section and line, the following:

“50.1260. [1.] A distributee may elect to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover **to the extent and in the time and manner as set forth in regulations and as otherwise provided by the board.**

[2. An eligible rollover distribution is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include any distribution that is one of a series of substantially equal periodic payments, not less frequently than annually, made for the life, or life expectancy, of the distributee or the joint lives, or joint life expectancy, of the distributee and the distributee's designated beneficiary, or for a specified period of ten years or more; any distribution to the extent such distribution is required pursuant to 26 U.S.C. 401(a)(9); and the portion of any distribution that is not includable in gross income, determined without regard to the exclusion for net unrealized appreciation

with respect to employer securities.

3. An eligible retirement plan is an individual retirement account, an individual retirement annuity, an annuity plan described in 26 U.S.C. 403(a), or a qualified trust described in 26 U.S.C. 401(a) that accepts the distributee's eligible rollover distribution. However, in the case of an eligible rollover distribution to the surviving spouse, an eligible retirement plan is an individual retirement account or individual retirement annuity.

4. A distributee includes a member, the member's surviving spouse and the member's former spouse who is the alternate payee pursuant to a qualified domestic relations order.

5. A direct rollover is a payment made, in accordance with the provisions of section 50.1250, to the eligible retirement plan specified by the distributee.

6. A distributee may elect a complete direct rollover with respect to all of the distribution or a partial direct rollover with respect to a portion of the distribution with the remainder paid directly to the distributee. The amount of a partial direct rollover must be at least five hundred dollars.

7. A distributee who does not make any election shall be deemed to have rejected the direct rollover option.

8. A distribution of less than two hundred dollars that otherwise would be an eligible rollover distribution shall not be an eligible rollover distribution if it is reasonable to expect that all such distributions to the distributee from the plan during the same calendar year will not exceed two hundred dollars.]; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Bill No. 145, Section 67.319, Page 5, Line 53, by inserting the following after all of said Section and Line:

“143.789. The director of the department shall have the authority to impose an offset against a refund owed to any taxpayer for the following items and in the following order of priority:

(1) Delinquent taxes owed by the taxpayer to the state of Missouri;

(2) Debts owed by such taxpayer to any state agency or support obligation owed by such taxpayer which is enforced by the division of family services on behalf of a person who is receiving support enforcement services under section 454.425;

(3) Collection assistance fees authorized under section 143.790;

(4) Eligible claims under section 143.790; and

(5) Delinquent taxes owed by the taxpayer to the United States.

143.790. 1. [Any hospital or health care provider who has provided health care services to an individual who was not covered by a health insurance policy or was not eligible to receive benefits under the state's medical assistance program of needy persons, Title XIX, P.L. 89-97, 1965 amendments to the federal Social Security Act, 42 U.S.C. Section 301, et seq., under chapter 208, RSMo, and the health insurance for uninsured children under sections 208.631 to 208.657, RSMo, at the time such health care services were administered, and such person has failed to pay for such services for a period greater than ninety days, may submit a claim to the director of the department of health and senior services for the unpaid health care

services. The director of the department of health and senior services shall review such claim. If the claim appears meritorious on its face, the claim for the unpaid medical services shall constitute a debt of the department of health and senior services for purposes of sections 143.782 to 143.788, and the director may certify the debt to the department of revenue in order to set off the debtor's income tax refund. Once the debt has been certified, the director of the department of health and senior services shall submit the debt to the department of revenue under the setoff procedure established under section 143.783.

2. At the time of certification, the director of the department of health and senior services shall supply any information necessary to identify each debtor whose refund is sought to be set off pursuant to section 143.784 and certify the amount of the debt or debts owed by each such debtor.

3. If a debtor identified by the director of the department of health and senior services is determined by the department of revenue to be entitled to a refund, the department of revenue shall notify the department of health and senior services that a refund has been set off on behalf of the department of health and senior services for purposes of this section and shall certify the amount of such setoff, which shall not exceed the amount of the claimed debt certified. When the refund owed exceeds the claimed debt, the department shall send the excess amount to the debtor within a reasonable time after such excess is determined.

4. The department of revenue shall notify the debtor by certified mail the taxpayer whose refund is sought to be set off that such setoff will be made. The notice shall contain the provisions contained in subsection 3 of section 143.794, including the opportunity for a hearing to contest the setoff provided therein, and shall otherwise substantially comply with the provisions of subsection 3 of section 143.784.

5. Once a debt has been set off and finally determined under the applicable provisions of sections 143.782 to 143.788, and the department of health and senior services has received the funds transferred from the department of revenue, the department of health and senior services shall settle with each hospital or health care provider for the amounts that the department of revenue set off for such party. At the time of each settlement, each hospital or health care provider shall be charged for administration expenses which shall not exceed twenty percent of the collected amount.

6. Lottery prize payouts made under section 313.321, RSMo, shall also be subject to the setoff procedures established in this section and any rules and regulations promulgated thereto.

7. The director of the department of revenue shall have priority to offset any delinquent tax owed to the state of Missouri. Any remaining refund shall be offset to pay a state agency debt or to meet a child support obligation that is enforced by the division of family services on behalf of a person who is receiving support enforcement services under section 454.425, RSMo.

8.] As used in this section, the following terms shall mean:

(1) "Appeals committee", a committee consisting of at least three people appointed by a provider to hear patient appeals of review officer rulings:

(a) That the provider has a valid claim;

(b) Regarding the amount of the claim;

(c) That a claim qualifies as an eligible claim under this section;

(2) "Collection assistance fee", a fee in the amount of fourteen dollars payable to the general fund of this state for each debt setoff being processed and an additional seventeen dollars payable to the claim clearinghouse for each debt being processed by the claim clearinghouse shall be recovered from

each eligible claim to recover the costs incurred in collecting debts under this section;

(3) “Court”, the supreme court, court of appeals, or any circuit court of the state, or any of their judicially or legislatively created subdivisions;

(4) “Department”, the department of revenue;

(5) “Claim”, a claim by a provider to receive payment of fifty dollars or more for health care services provided by such provider to a patient which has not been paid in whole or in part by the patient or third party payer for more than ninety days after the date the patient was first billed for such health care services;

(6) “Claim clearinghouse”, the entity selected by the department to receive and submit eligible claims on behalf of a provider in accordance with this section. The claim clearinghouse shall be selected by the department through use of and in compliance with the applicable requirements of chapter 34;

(7) “Health care services”, any services that a provider renders to a patient in the course of such provider’s furnishing of ambulance services to the patient. Health care services shall include, but not be limited to, treatment of patients and transporting of patients incidental, or pursuant, to the delivery of ambulance services by a provider or in furtherance of the purposes for which such provider is organized and licensed, provided that with respect to ground ambulance services provided by a provider that is not owned and operated by a city, county, municipality, political subdivision, governmental entity, or an entity that is exempt from federal and state income taxation, health care services shall only include those ground ambulance services provided by the provider that qualify and emergency services as defined in section 190.100 and are provided under the terms of an agreement between the provider and a city, county, municipality, political subdivision, or a governmental entity under section 190.105;

(8) “Patient”, an individual who has received health care services from a provider and who was not, at the time such health care services were provided, eligible to receive benefits under the state’s medical assistance program for needy persons under chapter 208 and the health insurance for uninsured children under sections 208.631 to 208.657;

(9) “Provider”, any provider of ambulance services licensed by the Missouri department of health and senior services in accordance with chapter 190, to include but not be limited to any provider of air ambulance services licensed under section 190.108 and any provider of ground ambulance services licensed under section 190.109;

(10) “Refund”, a patient’s Missouri income tax refund which the department determines to be due pursuant to the provisions of this chapter;

(11) “Review officer”, a person designated by a provider to review claims, at the request of a patient, to determine whether such provider has a valid claim, the amount of such claim, and whether such claim qualifies as an eligible claim under this section.

2. Prior to submission of a claim to the claim clearinghouse, a provider shall send written notice to a patient that such provider intends to submit a claim to the claim clearinghouse for collection by setoff under this section. The notice shall:

(1) Provide the basis for the claim;

(2) State that the provider intends to request that the department apply the patient's refund against the claim;

(3) State that a collection assistance fee will be added to the claim if it is submitted for setoff;

(4) Inform the patient of the right to contest the validity or amount of such claim by filing a request for a review with the provider; and

(5) State the time limit and procedure for requesting such review, and that failure to request a review within thirty days following receipt of the notice required under this section shall result in submission of the claim to the claim clearinghouse for setoff of the debt by the department.

3. Upon receipt of the notice required under subsection 2 of this section, any patient seeking review of a claim with the provider shall file a written request for review within thirty days of receipt of such notice. A request for a review shall be deemed filed when properly addressed and delivered to the United States Postal Service for mailing with postage prepaid. A review officer shall be appointed by the provider to review such claim. In reviewing a claim, any issue that has previously been litigated in a court proceeding shall not be considered by the review officer. If the patient seeks a review of the claim and the review officer finds either that the claim is invalid or the claim does not qualify as an eligible claim under this section, the review officer's determination shall be final and binding on the provider and such provider shall have no right to appeal such determination. If all or part of the claim is found by the review officer to be valid and eligible for setoff under this section, the review officer shall notify the provider and the patient of such fact. Such notice shall:

(1) Inform the patient that the patient has the right to appeal the review officer's determination by filing an appeal with the appeals committee;

(2) State the time limit and procedure for requesting such an appeal; and

(3) State that failure to request the appeal within thirty days following receipt of the notice required under this subsection shall result in submission of the claim to the claim clearinghouse for setoff of the debt by the department.

4. Upon receipt of the notice required under subsection 3 of this section, any patient seeking an appeal of a determination of a review officer under subsection 4 of this section shall file a written request for such appeal within thirty days following receipt of such notice. An appeal shall be deemed filed when properly addressed and delivered to the United States Postal Service for mailing with postage prepaid. An appeal of a review officer's determination shall be heard by an appeals committee. In an appeal under this section, any issue that has been previously litigated in a court proceeding shall not be considered. A decision made after an appeal under this section shall determine whether a claim is owed to the provider, the amount of the claim, and whether the claim is an eligible claim under this section.

5. If the appeals committee finds a claim to be invalid or otherwise ineligible under this section, the decision of the appeals committee shall be final and binding on the provider and may not be appealed by the provider. If all or part of the claim is found by the appeals committee to be valid and eligible for setoff under this section, the appeals committee shall notify the provider and the patient of such fact. Such notice shall:

(1) Inform the patient that the patient has the right to challenge the appeals committee

determination by notifying the provider that it disagrees with the determination and advising the provider as to the basis of such disagreement;

(2) State that the patient must notify the provider of the challenge within ninety days of the patient's receipt of the notice from the appeals committee;

(3) Advise the patient that if the patient challenges the appeals committee's determination under this subsection, the provider will not be permitted to setoff the provider's claim against the patient's refund under this section unless and until the provider files suit against the patient in court seeking a determination that the provider's claim is valid regarding the amount of the claim and that the claim is eligible for setoff under this section, and the court determines that the provider's claim is valid, the amount of the provider's claim, and that provider's claim is eligible for setoff under this section; and

(4) Advise the patient that if the patient does not challenge the appeal committee's determination under this subsection, the provider will submit the claim to the claim clearinghouse for setoff by the department under this subsection.

6. If the provider prevails in the lawsuit filed under subsection 5 of this section, the provider may submit the claim to the claim clearinghouse for setoff by the department under this section. If the patient prevails in the lawsuit filed by the provider under subsection 5 of this section, the provider shall be:

(1) Forever barred from submitting the claim to the claim clearinghouse for setoff by the department under this section;

(2) Forever barred from taking any other steps to collect the amount of the claim from the patient; and

(3) Obligated to reimburse the patient for court costs and attorney's fees associated with the lawsuit filed under subsection 5 of this section.

7. Any provider may submit a claim to the claim clearinghouse for review. In connection with its submission of a claim to the claim clearinghouse, the provider, whenever possible, shall provide the claim clearinghouse with the patient's full name, Social Security number, address, and any other identifying information that the department advises the claim clearinghouse is necessary for the department to setoff the claim under this section. The provider shall also provide the claim clearinghouse with information demonstrating the provider's compliance with the requirements of this section with respect to the claim.

8. If the claim clearinghouse receives sufficient evidence that a provider has fully complied with the requirements of this section and finds the claim valid, the claim shall be deemed eligible for setoff by the department under this section and shall be forwarded to the department. In connection with its submission of the claim to the department, the claim clearinghouse, whenever possible, shall provide the department with the patient's full name, Social Security number, address, and any other identifying information that the department advises the claim clearinghouse is necessary for the department to setoff the claim under this section.

9. If the claim clearinghouse determines that the provider has failed to comply with any applicable requirements in this section or that the claim is not valid, the claim clearinghouse shall return the

claim to the provider.

10. If the department determines that a patient identified by a provider in an eligible claim filed with the department is entitled to a refund, the department shall notify the claim clearinghouse that a refund is available for setoff and the amount of such refund, and whether the refund results from a joint or combined return. Notwithstanding any provision of section 32.057 and any other confidentiality statute of this state to the contrary, the department may provide the claim clearinghouse with all information necessary to accomplish and carry out the provisions of this section and section 143.789, but shall not provide the claim clearinghouse with any information whose disclosure is prohibited by Section 6103(d) of the Internal Revenue Code of 1986, as amended. The information obtained by the claim clearinghouse from the department in accordance with this section and section 143.789 shall retain its confidentiality and shall only be used by the claim clearinghouse for the purpose described in this section and section 143.789.

11. (1) At that time, the department shall also notify the patient by regular mail that setoff against the patient's tax refund has been authorized under this section. The notice shall include the following information:

- (a) The amount of the eligible claim and the name of the provider seeking setoff;
- (b) That a setoff to the patient's refund against the eligible claim has been performed; and
- (c) Any amount of the refund remaining after the offset of the eligible claim.

(2) In the case of a joint or combined return, the notice shall also state the name of the nonobligated taxpayer named in the return, if any, against whom no claim is asserted, the fact that no claim is asserted against such taxpayer, and the fact that such taxpayer is entitled to receive a refund if it is due the taxpayer regardless of the claim asserted against the taxpayer's spouse. In order to obtain the refund due the taxpayer, the taxpayer shall apply in writing for an apportionment of the refund with the department within thirty days of the date of receipt of the notice unless, in anticipation of the setoff of the taxpayer's spouse's refund, such nonobligated taxpayer provided the department with a request for apportionment of the anticipated refund which was filed at the same time the original tax return was filed, in which case the department shall determine the apportionment of the refund and forward the determination of apportionment and the nonobligated taxpayer's portion of the refund to the nonobligated taxpayer within fifteen working days of the transfer of the obligated taxpayer's portion of the refund to the claim clearinghouse. Unless a request for apportionment of the anticipated refund was provided to the department as provided in this section, within ninety days after the filing of such taxpayer's application for apportionment of the refund with the department a determination of apportionment shall be mailed to the nonobligated taxpayer by the department. The apportionment of the refund shall be final upon the expiration of thirty days from the date on which the determination of apportionment is mailed to the nonobligated taxpayer unless, within such thirty-day period, the nonobligated taxpayer applies in writing for a hearing with the department.

12. The department shall then pay to the claim clearinghouse the amount that the department has setoff for such provider, which shall include the collection assistance allocable to the claim clearinghouse. In the event the department is unable to setoff the entire eligible claim and collection assistance fee under this section, the setoff of the collection assistance fee shall have priority over the setoff of the eligible claim. If, after the department has paid to the claim clearinghouse the amount

that the department has setoff for the provider, the provider is found not to have complied with any applicable requirement of this section, the provider shall send to the patient the entire amount of the claim offset by the department for the provider plus an amount equal to the collection assistance fee.

13. In addition to refunds, lottery prize payouts made under section 313.321 shall be subject to the setoff procedures established in this section.

14. The director of the department of revenue and the director of the department of health and senior services shall promulgate rules and regulations necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Bill No. 145, Pages 6-7, Section 1, Lines 1-54, by deleting all of said section and inserting in lieu thereof the following:

“Section 1. 1. If approved by a majority of the voters voting on the proposal, any city, town, village, sewer district, or water supply district located within this state may, by order or ordinance, levy and impose annually, upon lateral sewer service lines providing sewer service to residential property having four or fewer dwelling units within the jurisdiction of such city, town, village, sewer district, or water supply district, a fee not to exceed four dollars per month or forty-eight dollars annually.

2. The ballot of submission shall be in substantially the following form:

For the purpose of repair or replacement of lateral sewer service lines extending from the residential dwelling to its connection with the public sewer system line, due to failure of the line, shall (city, town, village, sewer district, or water supply district) be authorized to impose a fee not to exceed four dollars per month or forty-eight dollars annually on residential property for each lateral sewer service line providing sewer service within the (city, town, village, sewer district, or water supply district) to residential property having four or fewer dwelling units for the purpose of paying for the costs of necessary lateral sewer service line repairs or replacements?

3. For the purpose of this section, a lateral sewer service line may be defined by local order or ordinance, but shall not include more than the portion of the sewer line which extends from the sewer mains owned by the utility or municipality to the point of entry into the premises receiving sewer service, and may not include facilities owned by the utility or municipality. For purposes of this section, repair may be defined and limited by local ordinance, and may include replacement or repairs.

4. If a majority of the voters voting thereon approve the proposal authorized in subsection 1 of this section, the governing body of the city, town, village, sewer district, or water supply district may enact an order or ordinance for the collection of such fee. The funds collected under such ordinance shall

be deposited in a special account to be used solely for the purpose of paying for the reasonable costs associated with and necessary to administer and carry out the lateral sewer service line repairs as defined in the order or ordinance and to reimburse the necessary costs of lateral sewer service line repair or replacement. All interest generated on deposited funds shall be accrued to the special account established for the repair of lateral sewer service lines.

5. The city, town, village, sewer district, or water supply district may establish, as provided in the order or ordinance, regulations necessary for the administration of collections, claims, repairs, replacements and all other activities necessary and convenient for the implementation of any order or ordinance adopted and approved under this section. The city, town, village, sewer district, or water supply district may administer the program or may contract with one or more persons, through a competitive process, to provide for administration of any portion of implementation activities of any order or ordinance adopted and approved under this section, and reasonable costs of administering the program may be paid from the special account established under this section not to exceed five percent of the fund on an annual basis.

6. Notwithstanding any other provision of law to the contrary, the collector in any city, town, village, sewer district, or water supply district that adopts an order or ordinance under this section, who now or hereafter collects any fee to provide for, ensure or guarantee the repair of lateral sewer service lines, may add such fee to the general tax levy bills of property owners within the city, town, village, sewer district, or water supply district. All revenues received on such combined bill which are for the purpose of providing for, ensuring or guaranteeing the repair of lateral sewer service lines, shall be separated from all other revenues so collected and credited to the appropriate fund or account of the city, town, village, sewer district, or water supply district. The collector of the city, town, village, sewer district, or water supply district may collect such fee in the same manner and to the same extent as the collector now or hereafter may collect delinquent real estate taxes and tax bills.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Bill No. 145, Page 5, Section 67.319, Line 53, by inserting after all of said section and line, the following:

“87.005. 1. Notwithstanding the provisions of any law to the contrary, after five years’ service, any condition of impairment of health caused by any **infectious disease**, disease of the lungs or respiratory tract, hypertension, or disease of the heart resulting in total or partial disability or death to a uniformed member of a paid fire department, who successfully passed a physical examination within five years prior to the time a claim is made for such disability or death, which examination failed to reveal any evidence of such condition, shall be presumed to have been suffered in line of duty, unless the contrary be shown by competent evidence. **In order to receive the presumption that an infectious disease was contracted in the line of duty, the member shall submit to an annual physical examination, at which a blood test is administered.**

2. This section shall apply only to the provisions of chapter 87, RSMo 1959.

3. As used in this section, the term “**infectious disease**” means the human immunodeficiency virus, acquired immunodeficiency syndrome, tuberculosis, hepatitis A, hepatitis B, hepatitis C, hepatitis D,

diphtheria, meningococcal meningitis, methicillin-resistant staphylococcus aureus, hemorrhagic fever, plague, rabies, and severe acute respiratory syndrome.

87.006. 1. Notwithstanding the provisions of any law to the contrary, and only for the purpose of computing retirement benefits provided by an established retirement plan, after five years' service, any condition of impairment of health caused by any **infectious disease**, disease of the lungs or respiratory tract, hypotension, hypertension, or disease of the heart resulting in total or partial disability or death to a uniformed member of a paid fire department, who successfully passed a physical examination within five years prior to the time a claim is made for such disability or death, which examination failed to reveal any evidence of such condition, shall be presumed to have been suffered in the line of duty, unless the contrary be shown by competent evidence. **In order to receive the presumption that an infectious disease was contracted in the line of duty, the member shall submit to an annual physical examination, at which a blood test is administered.**

2. Any condition of cancer affecting the skin or the central nervous, lymphatic, digestive, hematological, urinary, skeletal, oral, breast, testicular, genitourinary, liver or prostate systems, as well as any condition of cancer which may result from exposure to heat or radiation or to a known or suspected carcinogen as determined by the International Agency for Research on Cancer, which results in the total or partial disability or death to a uniformed member of a paid fire department who successfully passed a physical examination within five years prior to the time a claim is made for disability or death, which examination failed to reveal any evidence of such condition, shall be presumed to have been suffered in the line of duty unless the contrary be shown by competent evidence and it can be proven to a reasonable degree of medical certainty that the condition did not result nor was contributed to by the voluntary use of tobacco.

3. This section shall apply to paid members of all fire departments of all counties, cities, towns, fire districts, and other governmental units.

4. As used in this section, the term "infectious disease" means the human immunodeficiency virus, acquired immunodeficiency syndrome, tuberculosis, hepatitis A, hepatitis B, hepatitis C, hepatitis D, diphtheria, meningococcal meningitis, methicillin-resistant staphylococcus aureus, hemorrhagic fever, plague, rabies, and severe acute respiratory syndrome."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 11

Amend House Amendment No. 11 to House Committee Substitute for Senate Bill No. 145, Page 1, Line 29 by inserting immediately after "damages" the following:

"for termination of such service"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Bill No. 145, Page 5, Section 67.319, Line 53 by inserting after said line the following:

"250.140. 1. Sewerage services, water services, or water and sewerage services combined shall be deemed to be furnished to both the occupant and owner of the premises receiving such service and, except as otherwise provided in subsection 2 of this section, the city, town, village, or sewer district or water supply

district organized and incorporated under chapter 247 rendering such services shall have power to sue the occupant or owner, or both, of such real estate in a civil action to recover any sums due for such services less any deposit that is held by the city, town, village, or sewer district or water supply district organized and incorporated under chapter 247 for such services, plus a reasonable attorney's fee to be fixed by the court.

2. When the occupant is delinquent in payment for thirty days, the city, town, village, sewer district, or water supply district shall make a good faith effort to notify the owner of the premises receiving such service of the delinquency and the amount thereof. Notwithstanding any other provision of this section to the contrary, when an occupant is delinquent more than ninety days, the owner shall not be liable for sums due for more than ninety days of service[; provided, however, that in any city not within a county and any home rule city with more than four hundred thousand inhabitants and located in more than one county, until January 1, 2007, when an occupant is delinquent more than one hundred twenty days the owner shall not be liable for sums due for more than one hundred twenty days of service, and after January 1, 2007, when an occupant is delinquent more than ninety days the owner shall not be liable for sums due for more than ninety days]. Any notice of termination of service shall be sent to both the occupant and owner of the premises receiving such service.

3. The provisions of this section shall apply only to residences that have their own private water and sewer lines. In instances where several residences share a common water or sewer line, the owner of the real property upon which the residences sit shall be liable for water and sewer expenses.

4. Notwithstanding any other provision of law to the contrary, any water provider **or premises owner** who terminates service due to delinquency of payment by a consumer shall not be liable for any civil or criminal damages, **nor shall it be deemed constructive eviction.**

5. The provisions of this section shall not apply to unapplied-for utility services. As used in this subsection, "unapplied-for utility services" means services requiring application by the property owner and acceptance of such application by the utility prior to the establishment of an account. The property owner is billed directly for the services provided, and as a result, any delinquent payment of a bill becomes the responsibility of the property owner rather than the occupant."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Bill No. 145, Page 5, Section 67.319, Line 53 by inserting after all of said section and line the following:

"67.4500. As used in sections 67.4500 to 67.4520, the following terms shall mean:

(1) "Authority", any county drinking water supply lake authority created by sections 67.4500 to 67.4520;

(2) "Conservation storage level", the target elevation established for a drinking water supply lake at the time of design and construction of such lake;

(3) "Costs", the sum total of all reasonable or necessary expenses incidental to the acquisition, construction, expansion, repair, alteration, and improvement of the project, including without limitation the following: the expense of studies and surveys; the cost of all lands, properties, rights, easements, and franchises acquired; land title and mortgage guaranty policies; architectural and

engineering services; legal, organizational marketing, or other special services; provisions for working capital; reserves for principal and interest; and all other necessary and incidental expenses, including interest during construction on bonds issued to finance the project and for a period subsequent to the estimated date of completion of the project;

(4) “Project”, recreation and tourist facilities and services, including, but not limited to, lakes, parks, recreation centers, restaurants, hunting and fishing reserves, historic sites and attractions, and any other facilities that the authority may desire to undertake, including the related infrastructure buildings and the usual and convenient facilities appertaining to any undertakings, and any extensions or improvements of any facilities, and the acquisition of any property necessary therefore, all as may be related to the development of a water supply source, recreational and tourist accommodations, and facilities;

(5) “Water commission”, a water commission owning a reservoir formed under sections 393.700 to 393.770;

(6) “Watershed”, the area that contributes or may contribute to the surface water of any lake as determined by the authority.

67.4505. 1. Any county of the third classification with a township form of government and with more than seven thousand two hundred but fewer than seven thousand three hundred inhabitants or any county of the second classification with more than fifty-four thousand two hundred but fewer than fifty-four thousand three hundred inhabitants may establish a county drinking water supply lake authority, which shall be a body corporate and politic and a political subdivision of this state.

2. The authority may exercise the powers provided to it under section 67.4520 over the reservoir area encompassing any drinking water supply lake of one thousand five hundred acres or more, as measured at its conservation storage level, and within the lake's watershed.

3. It shall be the purpose of each authority to promote the general welfare and a safe drinking water supply through the construction, operation, and maintenance of a drinking water supply lake.

4. The income of the authority and all property at any time owned by the authority shall be exempt from all taxation or any assessments whatsoever to the state or of any political subdivision, municipality, or other governmental agency thereof.

5. No county in which an authority is organized shall be held liable in connection with the construction, operation, or maintenance of any project or program undertaken under sections 67.4500 to 67.4520, including any actions taken by the authority in connection with such project or program.

67.4510. A county drinking water supply lake authority shall consist of at least six but not more than thirty members, appointed as follows:

(1) Members of the water commission shall appoint all members to the authority, one-third of the initial members for a six-year term, one-third for a four-year term, and the remaining one-third for a two-year term, until a successor is appointed; provided that, if there is an odd number of members, the last person appointed shall serve a two-year term. Upon the expiration of each term, a successor shall be appointed for a six-year term;

(2) No person shall be appointed to serve on the authority unless he or she is a registered voter in the state for more than five years, a resident in the county where the water commission is located for

more than five years, and over the age of twenty-five years. If any member moves outside such county, the seat shall be deemed vacant and a new member shall be appointed by the county commission to complete the unexpired term.

67.4515. 1. The water commission shall by resolution establish a date and time for the initial meeting of the authority.

2. At the initial meeting, and annually thereafter, the authority shall elect one of its members as chairman and one as vice chairman, and appoint a secretary and a treasurer who may be a member of the authority. If not a member of the authority, the secretary or treasurer shall receive compensation that shall be fixed from time to time by action of the authority. The authority may appoint an executive director who shall not be a member of the authority and who shall serve at its pleasure. If an executive director is appointed, he or she shall receive such compensation as shall be fixed from time to time by action of the authority. The authority may designate the secretary to act in lieu of the executive director. The secretary shall keep a record of the proceedings of the authority and shall be the custodian of all books, documents, and papers filed with the authority, the minute books or journal thereof, and its official seal. The secretary may cause copies to be made of all minutes and other records and documents of the authority and may give certificates under the official seal of the authority to the effect that the copies are true and correct copies, and all persons dealing with the authority may rely on such certificates. The authority, by resolution duly adopted, shall fix the powers and duties of its executive director as it may from time to time deem proper and necessary.

3. Each member of the authority shall execute a surety bond in the penal sum of fifty thousand dollars or, in lieu thereof, the chairman of the authority shall execute a blanket bond covering each member and the employees or other officers of the authority, each surety bond to be conditioned upon the faithful performance of the duties of the office or offices covered, to be executed by a surety company authorized to transact business in the state as surety, and to be approved by the attorney general and filed in the office of the secretary of state. The cost of each such bond shall be paid by the authority.

4. No authority member shall participate in any deliberations or decisions concerning issues where the authority member has a direct financial interest in contracts, property, supplies, services, facilities, or equipment purchased, sold, or leased by the authority. Authority members shall additionally be subject to the limitations regarding the conduct of public officials as provided in chapter 105.

67.4520. 1. The authority may:

- (1)** Acquire, own, construct, lease, and maintain recreational or water quality projects;
- (2)** Acquire, own, lease, sell, or otherwise dispose of interests in and to real property and improvements situated thereon and in personal property necessary to fulfill the purposes of the authority;
- (3)** Contract and be contracted with, and to sue and be sued;
- (4)** Accept gifts, grants, loans, or contributions from the federal government, the state of Missouri, political subdivisions, municipalities, foundations, other public or private agencies, individuals, partnerships, or corporations;

(5) Employ such managerial, engineering, legal, technical, clerical, accounting, advertising, stenographic, and other assistance as it may deem advisable. The authority may also contract with independent contractors for any of the foregoing assistance;

(6) Disburse funds for its lawful activities and fix salaries and wages of its employees;

(7) Fix rates, fees, and charges for the use of any projects and property owned, leased, operated, or managed by the authority;

(8) Adopt, alter, or repeal its own bylaws, rules, and regulations governing the manner in which its business may be transacted; however, said bylaws, rules, and regulations shall not exceed the powers granted to the authority by sections 67.4500 to 67.4520;

(9) Either jointly with a similar body, or separately, recommend to the proper departments of the government of the United States, or any state or subdivision thereof, or to any other body, the carrying out of any public improvement;

(10) Provide for membership in any official, industrial, commercial, or trade association, or any other organization concerned with such purposes, for receptions of officials or others as may contribute to the advancement of the authority and development therein, and for such other public relations activities as will promote the same, and such activities shall be considered a public purpose;

(11) Cooperate with municipalities and other political subdivisions as provided in chapter 70;

(12) Enter into any agreement with any other state, agency, authority, commission, municipality, person, corporation, or the United States, to effect any of the provisions contained in sections 67.4500 to 67.4520;

(13) Sell and supply water and construct, own, and operate infrastructure projects in areas within its jurisdiction, including but not limited to roads, bridges, water and sewer systems, and other infrastructure improvements;

(14) Issue revenue bonds in the same manner as provided under section 67.789; and

(15) Adopt tax increment financing within its boundaries in the same manner as provided under section 67.790.

2. The state or any political subdivision or municipal corporation thereof may in its discretion, with or without consideration, transfer or cause to be transferred to the authority or may place in its possession or control, by deed, lease, or other contract or agreement, either for a limited period or in fee, any property wherever situated.

3. The state or any political subdivision may appropriate, allocate, and expend such funds of the state or political subdivision for the benefit of the authority as are reasonable and necessary to carry out the provisions of sections 67.4500 to 67.4520.

4. The authority shall have the authority to exercise all zoning and planning powers that are granted to cities, towns, and villages under chapter 89, except that the authority shall not exercise such powers inside the corporate limits of any city, town, or village which has adopted a city plan under the laws of this state before August 28, 2011.

226.224. Notwithstanding any provision of the law to the contrary, the state highways and transportation commission may enter into binding highway infrastructure agreements to reimburse

or repay, in an amount and in such terms agreed upon by the parties, any funds advanced by or for the benefit of a county, political subdivision, or private entity to expedite state road construction or improvement. Such highway infrastructure improvement agreements may provide for the assignment of the state highways and transportation commission's reimbursement or repayment obligations in order to facilitate the funding of such improvements. The funds advanced by or for the benefit of the county, political subdivision, or private entity for the construction or improvement of state highway infrastructure shall be repaid by the state highways and transportation commission from funds from the state road fund in a manner, time period, and interest rate agreed to upon by the respective parties. The state highways and transportation commission may condition the reimbursement or repayment of such advanced funds upon projected highway revenues, only if terms of the contract explicitly state such a condition and the contract shall further provide for a date or dates certain for repayment of funds and may delay repayment of the advanced funds if highway revenues fall below the projections used to determine the repayment schedule or if repayment would jeopardize the receipt of federal highway moneys only if terms of the contract explicitly state such a condition and the contract shall further provide for a date or dates certain for repayment of funds.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 13

Amend House Committee Substitute for Senate Bill No. 145, Page 5, Section 67.319, Line 53, by inserting after all of said line the following:

“238.202. 1. As used in sections 238.200 to 238.275, the following terms mean:

- (1) “Board”, the board of directors of a district;
- (2) “Commission”, the Missouri highways and transportation commission;
- (3) “District”, a transportation development district organized under sections 238.200 to 238.275;

(4) “Local transportation authority”, a county, city, town, village, county highway commission, special road district, interstate compact agency, or any local public authority or political subdivision having jurisdiction over any bridge, street, highway, dock, wharf, ferry, lake or river port, airport, railroad, light rail or other transit improvement or service;

(5) “Project” includes any bridge, street, road, highway, access road, interchange, intersection, signing, signalization, parking lot, bus stop, station, garage, terminal, hangar, shelter, rest area, dock, wharf, lake or river port, airport, railroad, light rail, or [other mass transit] **public mass transportation system** and any similar or related improvement or infrastructure. **In the case of a district located in a home rule city with more than four hundred thousand inhabitants and located in more than one county, whose district boundaries are contained solely within that portion of such a home rule city that is contained within a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, the term “Project” shall also include the operation of a street car or other rail-based or fixed guideway public mass transportation system, and the revenue of such district may be used to pay for the design, construction, ownership and operation of such a street car or other rail-based or fixed guideway public mass transportation system by such district or such municipality, or by a local transportation authority having jurisdiction within such municipality.**

- (6) “Public mass transportation system”, a transportation system owned or operated by a

governmental or quasi-governmental entity, employing motor buses, rails, or any other means of conveyance, by whatsoever type of power, operated for public use in the conveyance of persons, mainly providing local transportation service within a municipality or a single metropolitan statistical area.

2. For the purposes of sections 11(c), 16 and 22 of article X of the Constitution of Missouri, section 137.073, and as used in sections 238.200 to 238.275, the following terms shall have the meanings given:

(1) “Approval of the required majority” or “direct voter approval”, a simple majority;

(2) “Qualified electors”, “qualified voters” or “voters”:

(a) Within a proposed or established district, except for a district proposed under subsection 1 of section 238.207, any persons residing therein who have registered to vote pursuant to chapter 115; or

(b) Within a district proposed or established under subsection 1 of section 238.207 which has no persons residing therein who have registered to vote pursuant to chapter 115, the owners of record of all real property located in the district, who shall receive one vote per acre, provided that if a registered voter subsequent to the creation of the district becomes a resident within the district and obtains ownership of property within the district, such registered voter must elect whether to vote as an owner of real property or as a registered voter, which election once made cannot thereafter be changed;

(3) “Registered voters”, persons qualified and registered to vote pursuant to chapter 115.

238.225. 1. Before construction or funding of any project the district shall submit the proposed project to the commission for its prior approval. If the commission by minute finds that the project will improve or is a necessary or desirable extension of the state highways and transportation system, the commission may preliminarily approve the project subject to the district providing plans and specifications for the proposed project and making any revisions in the plans and specifications required by the commission and the district and commission entering into a mutually satisfactory agreement regarding development and future maintenance of the project. After such preliminary approval, the district may impose and collect such taxes and assessments as may be included in the commission’s preliminary approval. After the commission approves the final construction plans and specifications, the district shall obtain prior commission approval of any modification of such plans or specifications.

2. If the proposed project is not intended to be merged into the state highways and transportation system under the commission’s jurisdiction, the district shall also submit the proposed project and proposed plans and specifications to the local transportation authority that will become the owner of the project for its prior approval.

3. In those instances where a local transportation authority is required to approve a project and the commission determines that it has no direct interest in that project, the commission may decline to consider the project.

Approval of the project shall then vest exclusively with the local transportation authority subject to the district making any revisions in the plans and specifications required by the local transportation authority and the district and the local transportation authority entering into a mutually satisfactory agreement regarding development and future maintenance of the project. After the local transportation authority approves the final construction plans and specifications, the district shall obtain prior approval of the local transportation authority before modifying such plans or specifications.

4. Notwithstanding any provision of this section to the contrary, this section shall not apply to any district whose project is a public mass transportation system.

238.235. 1. (1) Any transportation development district may by resolution impose a transportation development district sales tax on all retail sales made in such transportation development district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, except such transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to all sales of electricity or electrical current, water and gas, natural or artificial, nor to sales of service to telephone subscribers, either local or long distance. Such transportation development district sales tax may be imposed for any transportation development purpose designated by the transportation development district in its ballot of submission to its qualified voters, except that no resolution enacted pursuant to the authority granted by this section shall be effective unless:

(a) The board of directors of the transportation development district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of this section; or

(b) The voters approved the question certified by the petition filed pursuant to subsection 5 of section 238.207.

(2) If the transportation district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of paragraph (a) of subdivision (1) of this subsection, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the transportation development district of (transportation development district's name) impose a transportation development district-wide sales tax at the rate of (insert amount) for a period of (insert number) years from the date on which such tax is first imposed for the purpose of (insert transportation development purpose)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the resolution and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors of the transportation development district shall have no power to impose the sales tax authorized by this section unless and until the board of directors of the transportation development district shall again have submitted another proposal to authorize it to impose the sales tax pursuant to the provisions of this section and such proposal is approved by a majority of the qualified voters voting thereon.

(3) The sales tax authorized by this section shall become effective on the first day of the second calendar quarter after the department of revenue receives notification of the tax.

(4) In each transportation development district in which a sales tax has been imposed in the manner provided by this section, every retailer shall add the tax imposed by the transportation development district pursuant to this section to the retailer's sale price, and when so added such tax shall constitute a part of the

price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

(5) In order to permit sellers required to collect and report the sales tax authorized by this section to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the transportation development district may establish appropriate brackets which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets provided in section 144.285.

(6) All revenue received by a transportation development district from the tax authorized by this section which has been designated for a certain transportation development purpose shall be deposited in a special trust fund and shall be used solely for such designated purpose. Upon the expiration of the period of years approved by the qualified voters pursuant to subdivision (2) of this subsection or if the tax authorized by this section is repealed pursuant to subsection 6 of this section, all funds remaining in the special trust fund shall continue to be used solely for such designated transportation development purpose. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors in accordance with applicable laws relating to the investment of other transportation development district funds.

(7) The sales tax may be imposed in increments of one-eighth of one percent, up to a maximum of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the transportation development district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525, except such transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to public utilities. Any transportation development district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the district.

2. The resolution imposing the sales tax pursuant to this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax and the tax shall be reported and returned to and collected by the transportation development district.

3. On and after the effective date of any tax imposed pursuant to this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect, in addition to all other sales taxes imposed by law, the additional tax authorized pursuant to this section. The tax imposed pursuant to this section and the taxes imposed pursuant to all other laws of the state of Missouri shall be collected together and reported upon such forms and pursuant to such administrative rules and regulations as may be prescribed by the director of revenue.

4. (1) All applicable provisions contained in sections 144.010 to 144.525, governing the state sales tax, sections 32.085 and 32.087 and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section.

(2) All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services pursuant to the provisions of sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax imposed by this section.

(3) The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the transportation development district may prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

(4) All discounts allowed the retailer pursuant to the provisions of the state sales tax laws for the collection of and for payment of taxes pursuant to such laws are hereby allowed and made applicable to any taxes collected pursuant to the provisions of this section.

(5) The penalties provided in section 32.057 and sections 144.010 to 144.525 for violation of those sections are hereby made applicable to violations of this section.

(6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail sales except retail sales of motor vehicles shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which the employee works.

5. All sales taxes received by the transportation development district shall be deposited by the director of revenue in a special fund to be expended for the purposes authorized in this section. The director of revenue shall keep accurate records of the amount of money which was collected pursuant to this section, and the records shall be open to the inspection of officers of each transportation development district and the general public.

6. (1) No transportation development district imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects.

(2) Whenever the board of directors of any transportation development district in which a transportation development sales tax has been imposed in the manner provided by this section receives a petition, signed by ten percent of the qualified voters calling for an election to repeal such transportation development sales tax, the board of directors shall, if such repeal will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects, submit to the qualified voters of such transportation development district a proposal to repeal the transportation development sales tax imposed pursuant to the provisions of this section. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal to repeal the transportation development sales tax, then the resolution imposing the transportation development sales tax, along with any amendments thereto, is repealed. If a majority of the votes cast by the qualified voters voting thereon are opposed to the proposal to repeal the transportation development sales tax, then the ordinance or resolution imposing the transportation development sales tax, along with

any amendments thereto, shall remain in effect.

7. Notwithstanding any provision of sections 99.800 to 99.865, and this section to the contrary, the sales tax imposed by a district whose project is a public mass transportation system shall not be considered economic activity taxes as such term is defined under sections 99.805 and 99.918 and shall not be subject to allocation under the provisions of subsection 3 of section 99.845, or subsection 4 of section 99.957.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 14

Amend House Committee Substitute for Senate Bill No. 145, Section A, Page 1, Line 3, by inserting after all of said line the following:

“44.035. The name, address, social security number, as well as any other personal identifying information that is utilized in a voluntary registry of persons with health-related ailments created by a public governmental body to assist individuals in case of a disaster or emergency, shall not be considered a public record under the provisions of chapter 610. Nothing in this section shall authorize a public governmental body to deny a lawful request for such name, address, social security number, or other personal identifying information from a law enforcement agency or any public governmental body that provides firefighting, medical or other emergency services.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 15

Amend House Committee Substitute for Senate Bill No. 145, Page 5, Section 67.319, Line 53, by inserting after all of said line the following:

“70.710. 1. The “Employer Accumulation Fund” is hereby created. It is the fund in which shall be accumulated the contributions made by employers for benefits, and from which shall be made transfers, as provided in sections 70.600 to 70.755.

2. When paid to the system, the employer contributions provided for in subsections 2 and 3 of section 70.730 shall be credited to the employer accumulation fund account of the employer making the contributions.

3. When an allowance other than a disability allowance or an allowance that results from a member’s death that was the natural and proximate result of a personal injury or disease arising out of and in the course of his or her actual performance of duty as an employee first becomes due and payable, there shall be transferred to the benefit reserve fund from his employer’s account in the employer accumulation fund the difference between the reserve for the allowance and the accumulated contributions standing to his credit in the members deposit fund at the time the allowance first becomes due and payable, of the member or former member to whom or on whose behalf the allowance is payable.

4. A separate account shall be maintained in the employer accumulation fund for each employer. No employer shall be responsible for the employer accumulation fund liabilities of another employer.

5. When a disability allowance or an allowance that results from a member’s death that was the natural and proximate result of a personal injury or disease arising out of and in the course of his or her actual performance of duty as an employee first becomes due and payable, the accrued service

pension reserve covering the retiring member shall be calculated in the manner provided for in subsection 3 of section 70.730, as of the effective date of the disability allowance. Such reserve shall be transferred to the benefit reserve fund from the employer's account in the employer accumulation fund.

70.720. 1. The "Casualty Reserve Fund" is hereby created. It is the fund in which shall be accumulated the contributions made by employers for pensions **either** to be paid members who retire on account of disability **or that result from a member's death that was the natural and proximate result of a personal injury or disease arising out of and in the course of his or her actual performance of duty as an employee**, and from which shall be made transfers as provided in sections 70.600 to 70.755.

2. When paid to the system, the employer contributions provided for in subsection 4 of section 70.730 shall be credited to the casualty reserve fund.

3. When a disability allowance **or an allowance that results from a member's death that was the natural and proximate result of a personal injury or disease arising out of and in the course of his or her actual performance of duty as an employee** first becomes due and payable, there shall be transferred to the benefit reserve fund from the casualty reserve fund an amount equal to the reserve for the allowance, minus:

(1) The accumulated contributions, standing to the member's credit in the members deposit fund at the time the allowance first becomes due and payable; and

(2) The accrued service pension reserve determined pursuant to subsection 5 of section 70.710.

70.730. 1. Each employer's contributions to the system shall be the total of the contribution amounts provided for in subsections 2 through 5 of this section; provided, that such contributions shall be subject to the provisions of subsection 6 of this section.

2. An employer's normal cost contributions shall be determined as follows: Using the financial assumptions adopted by the board from time to time, the actuary shall annually compute the rate of contributions which, if paid annually by each employer during the total service of its members, will be sufficient to provide the pension reserves required at the time of their retirements to cover the pensions to which they might be entitled or which might be payable on their behalf. The board shall annually certify to the governing body of each employer the amount of membership service contribution so determined, and each employer shall pay such amount to the system during the employer's next fiscal year which begins six months or more after the date of such board certification. Such payments shall be made in such manner and form and in such frequency and shall be accompanied by such supporting data as the board shall from time to time determine. When received, such payments shall be credited to the employer's account in the employer accumulation fund.

3. An employer's accrued service contributions shall be determined as follows: Using the financial assumptions adopted by the board from time to time, the actuary shall annually compute for each employer the portions of pension reserves for pensions which will not be provided by future normal cost contributions. The accrued service pension reserves so determined for each employer less the employer's applicable balance in the employer accumulation fund shall be amortized over a period of years, as determined by the board. Such period of years shall not extend beyond the latest of (1) forty years from the date the political subdivision became an employer, or (2) thirty years from the date the employer last elected to increase its optional benefit program, or (3) fifteen years from the date of the annual actuarial computation. The board shall annually certify to the governing body of each employer the amount of accrued service contribution

so determined for the employer, and each employer shall pay such amount to the system during the employer's next fiscal year which begins six months or more after the date of such board certification. Such payments shall be made in such manner and form and in such frequency and shall be accompanied by such supporting data as the board shall from time to time determine. When received, such payments shall be credited to the employer's account in the employer accumulation fund.

4. The employer's contributions for the portions of disability pensions **or pensions that result from a member's death that was the natural and proximate result of a personal injury or disease arising out of and in the course of his or her actual performance of duty as an employee** not covered by accrued service pension reserves shall be determined on a one-year term basis. The board may determine different rates of contributions for employers having policeman members or having fireman members or having neither policeman members nor fireman members. The board shall annually certify to the governing body of each employer the amount of contribution so ascertained for the employer, and each employer shall pay such amount to the system during the employer's next fiscal year which begins six months or more after the date of such board certification. Such payments shall be made in such manner and form and in such frequency and shall be accompanied by such supporting data as the board shall from time to time ascertain. When received, such payments shall be credited to the casualty reserve fund.

5. Each employer shall provide its share, as determined by the board, of the administrative expenses of the system and shall pay same to the system to be credited to the income-expense fund.

6. The employer's total contribution to the system, expressed as a percent of active member compensations, in any employer fiscal year, beginning with the second fiscal year that the political subdivision is an employer, shall not exceed its total contributions for the immediately preceding fiscal year, expressed as a percent of active member compensations, by more than one percent."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 16

Amend House Committee Substitute for Senate Bill No. 145, Page 6, Section 488.026, Line 12, by inserting after all of said line the following:

"523.040. 1. The court, or judge thereof in vacation, on being satisfied that due notice of the pendency of the petition has been given, shall appoint three disinterested commissioners, who shall be residents of the county in which the real estate or a part thereof is situated, **and in any city not within a county, any county with a charter form of government and with more than one million inhabitants, or any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants at least one of the commissioners shall be either a licensed real estate broker or a state-licensed or state-certified real estate appraiser**, to assess the damages which the owners may severally sustain by reason of such appropriation, who, within forty-five days after appointment by the court, which forty-five days may be extended by the court to a date certain with good cause shown, after applying the definition of fair market value contained in subdivision (1) of section 523.001, and after having viewed the property, shall return to the clerk of such court, under oath, their report in duplicate of such assessment of damages, setting forth the amount of damages allowed to the person or persons named as owning or claiming the tract of land condemned, and should more than one tract be condemned in the petition, then the damages allowed to the owner, owners, claimant or claimants of each tract, respectively, shall be stated separately, together with a specific description of the tracts for which such damages are assessed; and the clerk shall file one copy of said report in his office and record the same in the order book

of the court, and he shall deliver the other copy, duly certified by him, to the recorder of deeds of the county where the land lies (or to the recorder of deeds of the city of St. Louis, if the land lies in said city) who shall record the same in his office, and index each tract separately as provided in section 59.440, and the fee for so recording shall be taxed by the clerk as costs in the proceedings; and thereupon such company shall pay to the clerk the amount thus assessed for the party in whose favor such damages have been assessed; and on making such payment it shall be lawful for such company to hold the interest in the property so appropriated for the uses prescribed in this section; and upon failure to pay the assessment, the court may, upon motion and notice by the party entitled to such damages, enforce the payment of the same by execution, unless the said company shall, within ten days from the return of such assessment, elect to abandon the proposed appropriation of any parcel of land, by an instrument in writing to that effect, to be filed with the clerk of the court, and entered on the minutes of the court, and as to so much as is thus abandoned, the assessment of damages shall be void.

2. Prior to the issuance of any report under subsection 1 of this section, a commissioner shall notify all parties named in the condemnation petition no less than ten days prior to the commissioners' viewing of the property of the named parties' opportunity to accompany the commissioners on the commissioners' viewing of the property and of the named parties' opportunity to present information to the commissioners.

3. The commissioners shall view the property, hear arguments, and review other relevant information that may be offered by the parties.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 17

Amend House Committee Substitute for Senate Bill No. 145, Page 1, Section A, Line 3, by inserting immediately after said section and line, the following:

“50.622. **1.** Any county may amend the annual budget during any fiscal year in which the county receives additional funds, and such amount or source, including but not limited to, federal or state grants or private donations, could not be estimated when the budget was adopted. The county shall follow the same procedures as required in sections 50.525 to 50.745 for adoption of the annual budget to amend its budget during a fiscal year.

2. Any county may decrease the annual budget twice during any fiscal year in which the county experiences a verifiable decline in funds of two percent or higher, and such amount could not be estimated or anticipated when the budget was adopted, provided that any decrease in appropriations shall not unduly affect any one officeholder. Before any reduction affecting an independently elected officeholder can occur, negotiations must take place with all officeholders who receive funds from the affected category of funds in an attempt to cover the shortfall.

3. Any decrease in an appropriation authorized under subsection 2 of this section shall not impact any dedicated fund otherwise provided by law.

4. The county shall follow the same procedures as required in sections 50.525 to 50.745 for adoption of the annual budget to amend its budget during a fiscal year, except that the notice provided for in section 50.600 shall be extended to thirty days for purposes of this section and such notice must include a published summary of the proposed reductions and an explanation of the shortfall. If the county has a website, publication on the website will satisfy the notice requirement for this section.

5. This section shall expire on July 1, 2015.

6. County commissioners may reduce budgets of departments under their direct supervision and responsibility at any time without the restrictions imposed by this section.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 18

Amend House Committee Substitute for Senate Bill No. 145, Page 5, Section 67.319, Line 53, by inserting after all of said line the following:

“99.825. 1. Prior to the adoption of an ordinance proposing the designation of a redevelopment area, or approving a redevelopment plan or redevelopment project, the commission shall fix a time and place for a public hearing as required in subsection 4 of section 99.820 and notify each taxing district located wholly or partially within the boundaries of the proposed redevelopment area, plan or project. At the public hearing any interested person or affected taxing district may file with the commission written objections to, or comments on, and may be heard orally in respect to, any issues embodied in the notice. The commission shall hear and consider all protests, objections, comments and other evidence presented at the hearing. The hearing may be continued to another date without further notice other than a motion to be entered upon the minutes fixing the time and place of the subsequent hearing; provided, if the commission is created under subsection 3 of section 99.820, the hearing shall not be continued for more than thirty days beyond the date on which it is originally opened unless such longer period is requested by the chief elected official of the municipality creating the commission and approved by a majority of the commission. Prior to the conclusion of the hearing, changes may be made in the redevelopment plan, redevelopment project, or redevelopment area, provided that each affected taxing district is given written notice of such changes at least seven days prior to the conclusion of the hearing. After the public hearing but prior to the adoption of an ordinance approving a redevelopment plan or redevelopment project, or designating a redevelopment area, changes may be made to the redevelopment plan, redevelopment projects or redevelopment areas without a further hearing, if such changes do not enlarge the exterior boundaries of the redevelopment area or areas, and do not substantially affect the general land uses established in the redevelopment plan or substantially change the nature of the redevelopment projects, provided that notice of such changes shall be given by mail to each affected taxing district and by publication in a newspaper of general circulation in the area of the proposed redevelopment not less than ten days prior to the adoption of the changes by ordinance. After the adoption of an ordinance approving a redevelopment plan or redevelopment project, or designating a redevelopment area, no ordinance shall be adopted altering the exterior boundaries, affecting the general land uses established pursuant to the redevelopment plan or changing the nature of the redevelopment project without complying with the procedures provided in this section pertaining to the initial approval of a redevelopment plan or redevelopment project and designation of a redevelopment area. Hearings with regard to a redevelopment project, redevelopment area, or redevelopment plan may be held simultaneously.

2. [Effective January 1, 2008,] **No municipality shall approve a proposed redevelopment plan, redevelopment project, or designation of a redevelopment area, or any amendments thereto**, if, after concluding the hearing required under this section, the commission **formed under subsection 3 of section 99.820** makes a recommendation under section 99.820 in opposition to [a proposed redevelopment plan, redevelopment project, or designation of a redevelopment area, or any amendments thereto, a municipality desiring to approve] such project, plan, designation, or amendments [shall do so only upon a two-thirds majority vote of the governing body of such municipality] **provided, however, that a municipality may**

approve such project, plan, designation, or amendment if such municipality places the question before the qualified voters residing within such municipality and such question is approved by voters voting thereon.

3. Tax incremental financing projects within an economic development area shall apply to and fund only the following infrastructure projects: highways, roads, streets, bridges, sewers, traffic control systems and devices, water distribution and supply systems, curbing, sidewalks and any other similar public improvements, but in no case shall it include buildings.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 19

Amend House Committee Substitute for Senate Bill No. 145, Page 5, Section 67.319, Line 53, by inserting after all of said line the following:

“67.1000. 1. The governing body of **the following cities and counties may impose a tax as provided in this section:**

(1) Any county [or of];

(2) Any city which is the county seat of any county or which now or hereafter has a population of more than three thousand five hundred inhabitants and which has heretofore been authorized by the general assembly[, or of];

(3) Any other city which has a population of more than eighteen thousand and less than forty-five thousand inhabitants located in a county of the first classification with a population over two hundred thousand adjacent to a county of the first classification with a population over nine hundred thousand[.].

2. The governing body of any city or county listed in subsection 1 of this section may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or county, which shall be not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at an election permitted under section 115.123 a proposal to authorize the governing body of the city or county to impose a tax under the provisions of this section and section 67.1002. The tax authorized by this section and section 67.1002 shall be in addition to the charge for the sleeping room and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for funding a convention and visitors bureau which shall be a general not-for-profit organization with whom the city or county has contracted, and which is established for the purpose of promoting the city or county as a convention, visitor and tourist center. Such tax shall be stated separately from all other charges and taxes.

[2.] **3. As used in this section and section 67.1002, the term “transient guests” means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter, except that** in any county of the third classification without a township form of government and with more than forty-one thousand one hundred but fewer than forty-one thousand two hundred inhabitants, “transient guests”[, as used in this section and section 67.1002,] means a person or persons who occupy a room or rooms in a hotel or motel for ninety days or less during any calendar quarter.

[3.] **4.** Provisions of this section to the contrary notwithstanding, the governing body of any home rule city with more than thirty-nine thousand six hundred but fewer than thirty-nine thousand seven hundred

inhabitants and partially located in any county of the first classification with more than seventy-one thousand three hundred but fewer than seventy-one thousand four hundred inhabitants may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city, which shall be not more than seven percent per occupied room per night, except that such tax shall not become effective unless the governing body of such city submits to the voters of the city at an election permitted under section 115.123 a proposal to authorize the governing body of the city to impose a tax under the provisions of this [section] **subsection** and section 67.1002. The tax authorized by this [section] **subsection** and section 67.1002 shall be in addition to the charge for the sleeping room and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city solely for funding a convention and visitors bureau which shall be a general not-for-profit organization with whom the city has contracted, and which is established for the purpose of promoting the city as a convention, visitor, and tourist center. Such tax shall be stated separately from all other charges and taxes.

5. Notwithstanding any other provision of this section to the contrary, the governing body of any city or county with more than three hundred fifty hotel and motel rooms within the boundaries of such city or county may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or county or a portion thereof, which shall be not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at an election permitted under section 115.123 a proposal to authorize the governing body of the city or county to impose a tax under this subsection and section 67.1002. The tax authorized by this subsection and section 67.1002 shall be in addition to the charge for the sleeping room and shall be in addition to any and all taxes imposed by law, and the proceeds of such tax shall be used by the city or county solely for the promotion of tourism and for funding a convention and visitors bureau. Such convention and visitors bureau shall be a general not-for-profit organization with whom the city or county has contracted, and which is established for the purpose of promoting the city or county as a convention, visitor, and tourist center. Such tax shall be stated separately from all other charges and taxes.

6. Notwithstanding any other provision of law to the contrary, the taxes authorized in this section and section 67.1002 shall not be imposed by the following cities or counties:

(1) Any city or any county already imposing a tax solely on the charges for sleeping rooms paid by the transient guests of hotels or motels situated in such city or county or a portion thereof under this section and section 67.1002 or any other law of this state; or

(2) Any city not already imposing a tax under this section and section 67.1002 and that is located in whole or partially within a county that already imposes a tax solely on the charges for sleeping rooms paid by the transient guests of hotels or motels situated in such county or a portion thereof under this section and section 67.1002 or any other law of this state, except that cities of the third classification with more than two thousand five hundred hotel and motel rooms and located in a county of the first classification where another tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in such county is imposed may impose the tax authorized in subsection 5 of this section of not more than one-half percent per occupied room per night.

7. This section shall not be construed as repealing any taxes levied by any city or county on transient guests as permitted under this chapter or chapter 94 as of August 28, 2011.

67.1002. 1. The question shall be submitted in substantially the following form:

Shall the (City or County) levy a tax of percent on each sleeping room occupied and rented by transient guests of hotels and motels located in the city or county, where the proceeds of which shall be expended for promotion of tourism **or funding a convention and visitors bureau?**

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the governing body for the city or county shall have no power to impose the tax authorized by this section unless and until the governing body of the city or county again submits the question to the qualified voters of the city or county and such question is approved by a majority of the qualified voters voting on the question.

2. On and after the effective date of any tax authorized under the provisions of this section and section 67.1000, the city or county which levied the tax may adopt one of the two following provisions for the collection and administration of the tax:

(1) The city or county which levied the tax may adopt rules and regulations for the internal collection of such tax by the city or county officers usually responsible for collection and administration of city or county taxes; or

(2) The city or county may enter into an agreement with the director of revenue of the state of Missouri for the purpose of collecting the tax authorized in this section and section 67.1000. In the event any city or county enters into an agreement with the director of revenue of the state of Missouri for the collection of the tax authorized in this section and section 67.1000, the director of revenue shall perform all functions incident to the administration, collection, enforcement and operation of such tax, and the director of revenue shall collect the additional tax authorized under the provisions of this section and section 67.1000. The tax authorized under the provisions of this section and section 67.1000 shall be collected and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue, and the director of revenue shall retain not less than one percent nor more than three percent for cost of collection.

3. If a tax is imposed by a city or county under this section and section 67.1000, the city or county may collect a penalty of one percent and interest not to exceed two percent per month on unpaid taxes which shall be considered delinquent thirty days after the last day of each quarter.

67.1003. 1. The governing body of the following cities and counties may impose a tax as provided in this section:

(1) Any city or county[, other than a city or county already imposing a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in such city or county or a portion thereof pursuant to any other law of this state,] having more than three hundred fifty hotel and motel rooms inside such city or county;

(2) A county of the third classification with a population of more than seven thousand but less than seven thousand four hundred inhabitants;

(3) A third class city with a population of greater than ten thousand but less than eleven thousand located in a county of the third classification with a township form of government with a population of more than

thirty thousand;

(4) A county of the third classification with a township form of government with a population of more than twenty thousand but less than twenty-one thousand;

(5) Any third class city with a population of more than eleven thousand but less than thirteen thousand which is located in a county of the third classification with a population of more than twenty-three thousand but less than twenty-six thousand;

(6) Any city of the third classification with more than ten thousand five hundred but fewer than ten thousand six hundred inhabitants;

(7) Any city of the third classification with more than twenty-six thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants;

(8) Any city of the third classification with more than ten thousand eight hundred but fewer than ten thousand nine hundred inhabitants and located in more than one county.

2. The governing body of any city or county listed in subsection 1 of this section may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or county or a portion thereof, which shall be not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general or primary election a proposal to authorize the governing body of the city or county to impose a tax pursuant to this section. The tax authorized by this section shall be in addition to the charge for the sleeping room and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.

3. Notwithstanding any other provision of law to the contrary, the tax authorized in this section shall not be imposed [in any city or county already imposing such tax pursuant to any other law of this state, except that] **by the following cities or counties:**

(1) Any city or county already imposing a tax solely on the charges for sleeping rooms paid by the transient guests of hotels or motels situated in any such city or county or a portion thereof under this section or any other law of this state; or

(2) Any city not already imposing a tax under this section and that is located in whole or partially within a county that already imposes a tax solely on the charges for sleeping rooms paid by the transient guests of hotels or motels situated in such county or a portion thereof under this section or any other law of this state.

4. Cities of the third class having more than two thousand five hundred hotel and motel rooms, and located in a county of the first classification in which and where another tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in such county is imposed, may impose the tax authorized by this section of not more than one-half of one percent per occupied room per night.

[4.] 5. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city or county) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in (name of city or county) at a rate of (insert rate of

percent) percent for the sole purpose of promoting tourism?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

[5.] 6. As used in this section, “transient guests” means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter.

7. This section shall not be construed as repealing any taxes levied by any city or county on transient guests as permitted under this chapter or chapter 94 as of August 28, 2011.”; and

Further amend said bill, Page 7, Section 1, Line 54, by inserting after all of said line the following:

“[67.1005. 1. The governing body of any city or county, other than a city or county already imposing a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in such city or county or a portion thereof pursuant to any other law of this state, having more than three hundred fifty hotel and motel rooms inside such city or county may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or county or a portion thereof, which shall be not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general or primary election a proposal to authorize the governing body of the city or county to impose a tax pursuant to this section and section 67.1002. The tax authorized by this section and section 67.1002 shall be in addition to the charge for the sleeping room and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for the promotion of tourism and for funding a convention and visitors bureau which shall be a general not-for-profit organization with whom the city or county has contracted, and which is established for the purpose of promoting the city or county as a convention, visitor and tourist center. Such tax shall be stated separately from all other charges and taxes.

2. The tax authorized in this section shall not be imposed in any city or county where another tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in such city or county or a portion thereof is imposed pursuant to any other law of this state, except that cities of the third class having more than two thousand five hundred hotel and motel rooms and located in a county of the first class where another tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in such county is imposed may impose the tax authorized in this section of not more than one-half percent per occupied room per night.

3. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city or county) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in (name of city or county) at a rate

of (insert rate of percent) percent?

☐ YES

☐ NO

4. As used in this section, “transient guests” shall mean a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter.]”; and Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 20

Amend House Amendment No. 20 to House Committee Substitute for Senate Bill No. 145, Page 2, Line 21, by inserting after all of said line the following:

Further amend said bill, Section 67.319, Page 5, Line 53, by inserting the following after all of said line:

“321.120. 1. The decree of incorporation shall not become final and conclusive until it has been submitted to an election of the voters residing within the boundaries described in such decree, and until it has been assented to by a majority vote of the voters of the district voting on the question. The decree shall also provide for the holding of the election to vote on the proposition of incorporating the district, and to select three or five persons to act as the first board of directors, and shall fix the date for holding the election.

2. The question shall be submitted in substantially the following form:

Shall there be incorporated a fire protection district?

[] YES

[] NO

3. The proposition of electing the first board of directors or the election of subsequent directors may be submitted on a separate ballot or on the same ballot which contains any other proposition of the fire protection district. The ballot to be used for the election of a director or directors shall be substantially in the following form:

OFFICIAL BALLOT Instruction to voters:

Place a cross (X) mark in the square opposite the name of the candidate or candidates you favor. (Here state the number of directors to be elected and their term of office.) ELECTION

(Here insert name of district.) Fire Protection District. (Here insert date of election.) FOR BOARD OF DIRECTORS

..... []

..... []

..... []

4. If a majority of the voters voting on the proposition or propositions voted in favor of the proposition to incorporate the district, then the court shall enter its further order declaring the decree of incorporation to be final and conclusive. In the event, however, that the court finds that a majority of the voters voting thereon voted against the proposition to incorporate the district, then the court shall enter its further order declaring the decree of incorporation to be void and of no effect. If the court enters an order declaring the decree of incorporation to be final and conclusive, it shall at the same time designate the first board of

directors of the district who have been elected by the voters voting thereon. If a board of three members is elected, the person receiving the third highest number of votes shall hold office for a term of two years, the person receiving the second highest number of votes shall hold office for a term of four years, and the person receiving the highest number of votes shall hold office for a term of six years from the date of the election of the first board of directors and until their successors are duly elected and qualified. If a board of five members is elected, the person who received the highest number of votes shall hold office for a term of six years, the persons who received the second and third highest numbers of votes shall hold office for terms of four years and the persons who received the fourth and fifth highest numbers of votes shall hold office for terms of two years and until their successors are duly elected and qualified. Thereafter, members of the board shall be elected to serve terms of six years and until their successors are duly elected and qualified[, provided however, in any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants, any successor elected and qualified in the year 2005 shall hold office for a term of six years and until his or her successor is duly elected and qualified and any successor elected and qualified in the year 2006 or 2007 shall hold office for a term of five years and until his or her successor is duly elected and qualified, and thereafter, members of the board shall be elected to serve terms of four years and until their successors are duly elected and qualified]. The court shall at the same time enter an order of record declaring the result of the election on the proposition, if any, to incur bonded indebtedness.

5. Notwithstanding the provisions of subsections 1 to 4 of this section to the contrary, upon a motion by the board of directors in districts where there are three-member boards, and upon approval by the voters in the district, the number of directors may be increased to five, except that in any county of the first classification with a population of more than nine hundred thousand inhabitants such increase in the number of directors shall apply only in the event of a consolidation of existing districts. The ballot to be used for the approval of the voters to increase the number of members on the board of directors of the fire protection district shall be substantially in the following form:

Shall the number of members of the board of directors of the (Insert name of district)
Fire Protection District be increased to five members?

☐ YES

☐ NO

If a majority of the voters voting on the proposition vote in favor of the proposition then at the next election of board members after the voters vote to increase the number of directors, the voters shall select two persons to act in addition to the existing three directors as the board of directors. The court which entered the order declaring the decree of incorporation to be final shall designate the additional board of directors who have been elected by the voters voting thereon as follows: the one receiving the second highest number of votes to hold office for a term of four years, and the one receiving the highest number of votes to hold office for a term of six years from the date of the election of such additional board of directors and until their successors are duly elected and qualified. Thereafter, members of the board shall be elected to serve terms of six years and until their successors are duly elected and qualified[, provided however, in any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants, any successor elected and qualified in the year 2005 shall hold office for a term of six years and until his or her successor is duly elected and qualified and any successor elected and qualified in the year 2006 or 2007 shall hold office for a term of five years and until his or her successor is duly elected and qualified, and thereafter, members of the board shall be elected to serve terms of four years and until their successors are duly elected and qualified].

6. Members of the board of directors in office on the date of an election pursuant to subsection 5 of this section to elect additional members to the board of directors shall serve the term to which they were elected or appointed and until their successors are elected and qualified.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 20

Amend House Committee Substitute for Senate Bill No. 145, Page 3, Section 56.807, Line 60, by inserting after all of said line the following:

“66.640. 1. As used in this section, the following terms mean:

(1) “Distressed municipality”, any city, town, or village located in any county with a charter form of government and with more than one million inhabitants and that is in “Group B” under sections 66.600 to 66.630;

(2) “Emergency telephone service”, a telephone system using a single three-digit number, “911”, for reporting police, fire, medical, or other emergency situations;

(3) “Peace officer”, any peace officer as defined in section 590.010 who is licensed under chapter 590;

(4) “POST commission”, the police officer standards and training commission established in chapter 590.

2. Every distressed municipality shall provide at least the following level of municipal services:

(1) An emergency telephone service;

(2) Law enforcement twenty-four hours per day, seven days per week by armed peace officers;

(3) Policies regarding pursuit and the use of force by peace officers;

(4) Benefits for injured peace officers;

(5) Construction code enforcement review, directly or by contract with a private or public agency;

(6) Adequate maintenance of public roads and streets;

(7) Weekly refuse and recycling collection;

(8) A balanced annual budget;

(9) An annual audit of the distressed municipality’s finances by a certified public accountant.

3. If any distressed municipality fails to provide any of the services listed in subsection 2 of this section, the governing body of the county in which it is located may pursue the following remedies together or consecutively in any appropriate court with jurisdiction:

(1) Petition the court to compel the director of revenue to withhold the distribution of Group B sales tax revenues collected under this chapter on behalf of the noncompliant distressed municipality until the distressed municipality develops and adopts a plan to provide all of the services required under this section;

(2) Petition the court to authorize the county to administer the Group B sales tax revenues collected under this chapter on behalf of the noncompliant distressed municipality. If the court enters

an order authorizing the county to administer the revenues under this subdivision, the director of revenue shall distribute such revenues to the county, and the county shall use such revenues to provide the services required under this section in the distressed municipality.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 21

Amend House Committee Substitute for Senate Bill No. 145, Page 1, In the Title, Line 2, by deleting all of said line and inserting in lieu thereof the following:

“To repeal sections 11.010, 55.030, 56.807, 475.115, and 488.026, RSMo, and to enact in lieu thereof eight”; and

Further amend said bill, Page 1, Section A, Lines 1 to 3, by deleting all of said lines and inserting in lieu thereof the following:

“Section A. Sections 11.010, 55.030, 56.807, 475.115, and 488.026, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 11.010, 11.025, 55.030, 56.807, 475.115, and 488.026, to read as follows:

11.010. The official manual, commonly known as the “Blue Book”, compiled and electronically published by the secretary of state on its official website is the official manual of this state, and it is unlawful for any officer or employee of this state **except the secretary of state**, or any board, or department or any officer or employee thereof, to cause to be printed, at state expense, any duplication or rearrangement of any part of the manual. It is also unlawful for the secretary of state to publish, or permit to be published in the manual any duplication, or rearrangement of any part of any report, or other document, required to be printed at the expense of the state which has been submitted to and rejected by him or her as not suitable for publication in the manual.

11.025. Notwithstanding any other provision of law, the secretary of state may enter into an agreement directly with a nonprofit organization for such nonprofit organization to print and distribute copies of the official manual. The secretary of state shall provide to the organization the electronic version of the official manual prepared and published under this chapter. The nonprofit organization shall not alter, add, or delete any information provided by the secretary of state. Information published about the organization in the official manual shall be limited to the name of the organization and its contact information. The official manual shall not contain advertising or information promoting any entity or individual. The organization shall charge a fee for a copy of the official manual to cover the cost of production and distribution. The nonprofit organization shall be subject to an independent audit, ordered by the state and paid for by the nonprofit organization, to account for income and expenses for the sale, production, and distribution of the official manual. After such audit, any surplus funds generated by the nonprofit organization through the sale of the manual shall be transferred to the state treasurer for deposit in the state’s general revenue fund.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 22

Amend House Committee Substitute for Senate Bill No. 145, Page 2 , Line 31 by inserting after all of said Line the following:

“Further amend said Bill, Page 5, Section 67.319, Line 53 by inserting after all of said Section and Line the following:

“Section 67.1860. Sections 67.1860 to [67.1898] **67.1894** shall be known as the “Missouri Law Enforcement District Act”.

67.1862. As used in sections 67.1860 to [67.1898] **67.1894**, the following terms mean:

- (1) “Approval of the required majority” or “direct voter approval”, a simple majority;
- (2) “Board”, the board of directors of a district;
- (3) “District”, a law enforcement district organized [pursuant to] **under** sections 67.1860 to [67.1898] **67.1894**;
- (4) “Registered voter”, **any voter registered within the boundaries of the district or proposed district.**

67.1864. 1. A district may be created to fund, promote, plan, design, construct, improve, maintain and operate one or more projects relating to law enforcement or to assist in such activity.

2. A district is a political subdivision of the state.

3. A district may be created in any county of the first classification [without a charter form of government and a population of fifty thousand inhabitants or less].

67.1866. 1. Whenever the creation of a district is desired, ten percent of the registered voters within the proposed district may file a petition requesting the creation of a district. The petition shall be filed in the circuit court of the county in which the proposed district is located.

2. The proposed district area shall be contiguous and may contain any portion of one or more municipalities. **Two areas may be considered contiguous if both are adjacent to the shoreline of the same body of water.**

3. The petition shall set forth:

(1) The name and address of each owner of real property located within the proposed district [or who is a] **and each** registered voter [resident] within the proposed district;

(2) A specific description of the proposed district boundaries including a map illustrating such boundaries;

(3) A general description of the purpose or purposes for which the district is being formed; and

(4) The name of the proposed district.

4. The circuit clerk of the county in which the petition is filed [pursuant to] **under** this section shall present the petition to the judge, who shall thereupon set the petition for hearing not less than thirty days nor more than forty days after the filing. The judge shall cause notice of the time and place of the hearing to be given, by publication on three separate days in one or more newspapers having a general circulation within the county, with the third and final publication to occur not less than twenty days prior to the date set for the hearing. The notice shall recite the information required [pursuant to] **under** subsection 3 of this section. The costs of printing and publication of the notice shall be paid as required [pursuant to] **under** section 67.1870.

5. In the event any owner of real property within the proposed district who is named in the

petition or any registered voter does not join in the petition or file an entry of appearance and waiver of service of process in the case, a copy of the petition shall be served upon such owner or registered voter in the manner provided by supreme court rule for the service of petitions generally. Any objections to the petition shall be raised by answer within the time provided by supreme court rule for the filing of an answer to a petition.

67.1868. 1. Any owner of real property within the proposed district and any [legal] **registered** voter [who is a resident] within the proposed district may join in or file a petition supporting or answer opposing the creation of the district and seeking a judgment respecting these same issues.

2. The court shall hear the case without a jury. If the court determines the petition is defective or the proposed district or its plan of operation is unconstitutional, it shall enter its judgment to that effect and shall refuse to incorporate the district as requested in the pleadings. If the court determines the petition is not legally defective and the proposed district and plan of operation are not unconstitutional, the court shall [determine and declare] **order** the district organized and incorporated and shall approve the plan of operation stated in the petition.

3. Any party having filed a petition or answer to a petition may appeal the circuit court's order or judgment in the same manner as provided for other appeals. Any order either refusing to incorporate the district or incorporating the district shall be a final judgment for purposes of appeal.

67.1870. The costs of filing and defending the petition and all publication and incidental costs incurred in obtaining circuit court certification of the petition for voter approval shall be paid by the petitioners. If a district is organized [pursuant to] **under** sections 67.1860 to [67.1898] **67.1894**, the petitioners may be reimbursed for such costs out of the revenues received by the district.

67.1872. A district created [pursuant to] **under** sections 67.1860 to [67.1898] **67.1894** shall be governed by a board of directors consisting of five members to be elected as provided in section 67.1874.

67.1874. 1. Within thirty days after the order declaring the district organized has become final, the circuit clerk of the county in which the petition was filed shall give notice by causing publication to be made once a week for two consecutive weeks in a newspaper of general circulation in the county, the last publication of which shall be at least ten days before the day of the meeting required by this section, to call a meeting of the owners of real property and registered voters [resident] within the district at a day and hour specified in a public place in the county in which the petition was filed for the purpose of electing a board of five directors, two to serve one year, two to serve two years, and one to serve three years, to be composed of [residents] **registered voters** of the district.

2. The attendees, when assembled, shall organize by [the election of] **electing** a chairman and secretary of the meeting [who]. **The secretary** shall conduct the election.

3. **Upon completion of the terms of the initial directors under subsection 1 of this section**, each director shall serve for a term of three years and until such director's successor is duly elected and qualified. Successor directors shall be elected in the same manner as the initial directors at a meeting of the [residents] **registered voters** called by the board. [Each successor director shall serve a three-year term.] The remaining directors shall have the authority to elect an interim director to complete any unexpired term of a director caused by resignation or disqualification.

4. Directors shall be at least twenty-one years of age.

67.1878. A district may receive and use funds for the purposes of planning, designing, constructing, reconstructing, maintaining and operating one or more projects relating to law enforcement. Such funds may be derived from any funding method which is authorized by sections 67.1860 to [67.1898] **67.1894** and from any other source, including but not limited to funds from federal sources, the state of Missouri or an agency of the state, a political subdivision of the state or private sources.

67.1880. 1. If approved by at least four-sevenths of the [qualified] **registered** voters voting on the question in the district, the district may impose a property tax in an amount not to exceed the annual rate of thirty cents on the hundred dollars assessed valuation. The district board may levy a property tax rate lower than its approved tax rate ceiling and may increase that lowered tax rate to a level not exceeding the tax rate ceiling **approved by the voters** without **new** voter approval. The property tax shall be uniform throughout the district.

2. The ballot of submission shall be substantially in the following form:

Shall the Law Enforcement District impose a property tax upon all real and tangible personal property within the district at a rate of not more than (insert amount) cents per hundred dollars assessed valuation for the purpose of providing revenue for the development of a project (or projects) in the district (insert general description of the project or projects, if necessary)?

☐ YES

☐ NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”.

If four-sevenths of the votes cast on the question by the registered voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter. If less than four-sevenths of the votes cast on the question by the registered voters voting thereon are in favor of the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the registered voters and such question is approved by the requisite four-sevenths of the registered voters voting on the question. In no event shall a proposal under this section be submitted to the voters sooner than twelve months from the date of the last proposal submitted under this section.

3. The county collector of each county in which the district is partially or entirely located shall collect the property taxes and special benefit assessments made upon all real property and tangible personal property within that county and the district, in the same manner as other property taxes are collected.

4. Every county collector having collected or received district property taxes shall, on or before the fifteenth day of each month and after deducting his or her commissions, remit to the treasurer of that district the amount collected or received by him or her prior to the first day of the month. Upon receipt of such money, the district treasurer shall execute a receipt therefor, which he or she shall forward or deliver to the collector. The district treasurer shall deposit such sums into the district treasury, credited to the appropriate project or purpose. The collector and district treasurer shall make final settlement of the district account and commissions owing, not less than once each year, if necessary.

67.1886. In addition to all other powers granted by sections 67.1860 to [67.1898] **67.1894** the district shall have the following general powers:

(1) To contract with the [local] **county** sheriff’s department for the provision of services;

(2) To sue and be sued in its own name, and to receive service of process, which shall be served upon the district secretary;

(3) To fix compensation of its employees and contractors;

(4) To purchase any personal property necessary or convenient for its activities;

(5) To collect and disburse funds for its activities; and

(6) To exercise such other implied powers necessary or convenient for the district to accomplish its purposes which are not inconsistent with its express powers.

67.1888. 1. The district may obtain such insurance as it deems appropriate, considering its legal limits of liability, to protect itself, its officers and its employees from any potential liability and may also obtain such other types of insurance as it deems necessary to protect against loss of its real or personal property of any kind. The cost of this insurance shall be charged against the project.

2. The district may also require contractors performing construction or maintenance work on the project and companies providing operational and management services to obtain liability insurance having the district, its directors and employees as additional named insureds.

3. The district may self-insure if it is unable to obtain liability insurance coverage at a rate which is economically feasible to the district, considering its resources. However, the district shall not attempt to self-insure for its potential liabilities unless it finds that it has sufficient funds available to cover any anticipated judgments or settlements and still complete its project without interruption. [The district may self-insure if it is unable to obtain liability insurance coverage at a rate which is economically feasible to the district, considering its resources.]

67.1894. [1. The authority of the district to levy any property tax levied pursuant to section 67.1880 may be terminated by a petition of the voters in the district in the manner prescribed in this section.

2. The petition for termination of authority to tax may be changed as follows:

(1) Twenty-five percent of the number of voters who voted in the most recent gubernatorial election in the district may file with the board a petition in writing praying that the district's authority to impose a property tax be terminated. The petition shall specifically state that the district's authority to impose any property tax, whether or not such a tax is being imposed at the time such petition is filed, shall be terminated. Such petition shall be in substantially the form set forth for petitions in chapter 116; or

(2) All of the owners of real estate in the district may file a petition with the board praying that the district's authority to impose a property tax be terminated. The petition shall specifically state that the district's authority to impose any property tax, whether or not such a tax is being imposed at the time such petition is filed, shall be terminated. Such petition shall be in substantially the form set forth for petitions in chapter 116. The petition shall describe the property owned by the petitioners and shall be deemed to give assent of the petitioners to the petition.

3. The secretary of the board shall cause notice of the filing of any petition filed pursuant to this section to be given and published in the county in which the property is located, which notice shall recite the filing of such petition, the number of petitioners and the prayer of the petitioners; giving notice to all persons interested to appear at the office of the board at the time named in the notice and show cause in writing, if any they have, why the petition should not be granted. The board shall at the time and place mentioned, or at such time or times to which the hearing may be adjourned, proceed to hear the petition and all objections

thereto presented in writing by any person showing cause why the petition should not be granted.

4. If the board deems it for the best interest of the district, it shall grant the petition. If the petition is granted, the board shall make an order to that effect and file the petition with the circuit clerk. If the petition contains the signatures of all the owners of the property pursuant to the provisions of subdivision (2) of subsection 2 of this section, the authority to tax shall be terminated upon the order of the court. If the petition contains the signatures of twenty-five percent of the number of voters who voted in the most recent gubernatorial election in the district pursuant to subdivision (1) of subsection 2 of this section, the authority to tax shall be terminated subject to the election provided in section 67.1896. The circuit court having jurisdiction over the district shall proceed to make any such order terminating such taxation authority as is provided in the order of the board, unless the court shall find that such order of the board was not authorized by law or that such order of the board was not supported by competent and substantial evidence.

5. Any person aggrieved by any decision of the board made pursuant to the provisions of this section may appeal that decision to the circuit court of the county in which the property is located within thirty days of the decision by the board] **Whenever the district board receives a petition, signed by a number of registered voters of the district equal to at least ten percent of the number of registered voters of the district, calling for an election to repeal the tax imposed under section 67.1880, the board shall submit to the voters of the district a proposal to repeal the tax. If a majority of the votes cast on the question by the registered voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax authorized in section 67.1880 shall remain effective until the question is resubmitted under this section to the registered voters and the repeal is approved by a majority of the registered voters voting on the question.”;** and

Further amend said bill, Section 1, Page 7, Line 54 by inserting after all of said Section and Line the following:

“[67.1890. 1. The boundaries of any district organized pursuant to sections 67.1860 to 67.1898 may be changed in the manner prescribed in this section; but any change of boundaries of the district shall not impair or affect its organization or its rights in or to property, or any of its rights or privileges whatsoever; nor shall it affect or impair or discharge any contract, obligation, lien or charge for or upon which it might be liable or chargeable had any change of boundaries not been made.

2. The boundaries may be changed as follows:

(1) Twenty-five percent of the number of voters who voted in the most recent gubernatorial election in the area to be annexed or deannexed may file with the board a petition in writing praying that such real property be included within, or removed from, the district. The petition shall describe the property to be included in, or removed from, the district and shall describe the property owned by the petitioners and shall be deemed to give assent of the petitioners to the inclusion in, or removal from, the district of the property described in the petition. Such petition shall be in substantially the form set forth for petitions in chapter 116; provided that, in the event that there are more than twenty-five property owners or taxpaying electors signing the petition, it shall be deemed sufficient description of their property in the petition as required in this section to list the addresses of such property; or

(2) All of the owners of any territory or tract of land near or adjacent to a district in the case of annexation, or all of the owners of any territory or tract of land within a district in the case of deannexation, who own all of the real estate in such territory or tract of land may file a petition with the board praying that such real property be included in, or removed from, the district. The petition shall describe the property owned by the petitioners and shall be deemed to give assent of the petitioners to the inclusion in, or removal from, the district of the property described in the petition.

3. The secretary of the board shall cause notice of the filing of any petition filed pursuant to this section to be given and published in the county in which the property is located, which notice shall recite the filing of such petition, the number of petitioners, a general description of the boundaries of the area proposed to be included or removed and the prayer of the petitioners; giving notice to all persons interested to appear at the office of the board at the time named in the notice and show cause in writing, if any they have, why the petition should not be granted. The board shall at the time and place mentioned, or at such time or times to which the hearing may be adjourned, proceed to hear the petition and all objections thereto presented in writing by any person showing cause why the petition should not be granted. The failure of any person interested to show cause in writing why such petition shall not be granted shall be deemed as an assent on his or her part to the inclusion of such lands in, or removal of such lands from, the district as prayed for in the petition.

4. If the board deems it for the best interest of the district, it shall grant the petition, but if the board determines in the case of annexation that some portion of the property mentioned in the petition cannot as a practical matter be served by the district, or if it deems in the case of annexation that it is in the best interest of the district that some portion of the property in the petition not be included in the district, or if in the case of deannexation it deems that it is impracticable for any portion of the property to be deannexed from the district, then the board shall grant the petition in part only. If the petition is granted, the board shall make an order to that effect and file the petition with the circuit clerk. Upon the order of the court having jurisdiction over the district, the property shall be included in, or removed from, the district. If the petition contains the signatures of all the owners of the property pursuant to the provisions of subdivision (2) of subsection 2 of this section, the property shall be included in, or removed from, the district upon the order of the court. If the petition contains the signatures of twenty-five percent of the number of voters who voted in the most recent gubernatorial election in the area to be annexed or deannexed pursuant to subdivision (1) of subsection 2 of this section, the property shall be included in, or removed from, the district subject to the election provided in section 67.1892. The circuit court having jurisdiction over the district shall proceed to make any such order including such additional property within the district, or removing such property from the district, as is provided in the order of the board, unless the court shall find that such order of the board was not authorized by law or that such order of the board was not supported by competent and substantial evidence.

5. Any person aggrieved by any decision of the board made pursuant to the provisions of this section may appeal that decision to the circuit court of the county in which the property is located within thirty days of the decision by the board.]

[67.1892. 1. If the petition to add or remove any territory or tract of land to the district contained fewer than all of the signatures required pursuant to subdivision (2) of subsection 2 of section 67.1890, the decree of extension or retraction of boundaries shall not become final and conclusive until it has been submitted to an election of the voters residing within the boundaries described in

such decree and until it has been assented to by a majority vote of the voters in the newly included area, or the area to be removed, voting on the question. The decree shall also provide for the holding of the election to vote on the proposition of extending or retracting the boundaries of the district, and shall fix the date for holding the election.

2. The question shall be submitted in substantially the following form:

Shall the boundaries of the Law Enforcement District be (extended to include/retracted to remove) the following described property? (Describe property)

☐ YES ☐ NO

3. If a majority of the voters voting on the proposition vote in favor of the extension or retraction of the boundaries of the district, then the court shall enter its further order declaring the decree of extension or retraction of the boundaries to be final and conclusive. In the event, however, that the court finds that a majority of the voters voting thereon voted against the proposition to extend or retract the boundaries of the district, then the court shall enter its further order declaring the decree of extension or retraction of boundaries to be void and of no effect.]

[67.1896. 1. If the petition filed pursuant to section 67.1894 contained fewer than all of the signatures required pursuant to subdivision (2) of subsection 2 of section 67.1894, the termination of taxation authority shall not become final and conclusive until it has been submitted to an election of the voters residing within the district and until it has been assented to by at least four-sevenths of the voters in the district voting on the question. The decree shall also provide for the holding of the election to vote on the proposition, and shall fix the date for holding the election.

2. The question shall be submitted in substantially the following form:

Shall the authority of the Law Enforcement District to adopt property taxes be terminated?

☐ YES ☐ NO

3. If four-sevenths of the voters voting on the proposition vote in favor of such termination, then the court shall enter its further order declaring the termination of such authority, and all such taxes that are being assessed in the current calendar year pursuant to such authority, to be final and conclusive. In the event, however, that the court finds that less than four-sevenths of the voters voting thereon voted against the proposition to terminate such authority, then the court shall enter its further order declaring the decree of termination of such district's taxing authority to be void and of no effect.]

[67.1898. 1. Whenever a petition signed by not less than ten percent of the registered voters in any district organized pursuant to sections 67.1860 to 67.1898 is filed with the circuit court having jurisdiction over the district, setting forth all the relevant facts pertaining to the district, and alleging that the further operation of the district is not in the best interests of the inhabitants of the district, and that the district should, in the interest of the public welfare and safety, be dissolved, the circuit court shall have authority, after hearing evidence submitted on such question, to order a submission of the question, after having caused publication of notice of a hearing on such petition in the same manner as the notice required in section 67.1874, in substantially the following form:

Shall (Insert the name of the law enforcement district) Law Enforcement District be

dissolved?

☐ YES

☐ NO

2. If the court shall find that it is to the best interest of the inhabitants of the district that such district be dissolved, it shall make an order reciting such finding and providing for the submission of the proposition to dissolve such district to a vote of the voters of the district, setting forth such further details in its order as may be necessary to an orderly conduct of such election. Such election shall be held at the municipal election. Returns of the election shall be certified to the court.

If the court finds that a majority of the voters voting thereon shall have voted in favor of the proposition to dissolve the district, the court shall make a final order dissolving the district, and the decree shall contain a proviso that the district shall continue in full force for the purpose of paying all outstanding and lawful obligations and disposing of property of the district; but no additional costs or obligations shall be created except such as are necessary to pay such costs, obligations and liabilities previously incurred, or necessary to the winding up of the district. If the court shall find that a majority of the voters of the district voting thereon shall not have voted favorably on the proposition to dissolve such district, then the court shall make a final order declaring such result dismissing the petition praying for the dissolution of said district; and the district shall continue to operate in the same manner as though the petition asking for such dissolution has not been filed.

3. The dissolution of a district shall not invalidate or affect any right accruing to such district, or to any person, or invalidate or affect any contract or indebtedness entered into or imposed upon such district or person; and whenever the circuit court shall, pursuant to this section, dissolve a district, the court shall appoint some competent person to act as trustee for the district so dissolved and such trustee before entering upon the discharge of his or her duties shall take and subscribe an oath that he or she will faithfully discharge the duties of the office, and shall give bond with sufficient security, to be approved by the court to the use of such dissolved district, for the faithful discharge of his or her duties, and shall proceed to liquidate the district under orders of the court, including the levying of any taxes provided for in sections 67.1860 to 67.1898.]"; and"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 23

Amend House Committee Substitute for Senate Bill No. 145, Page 1, In the Title, Line 2, by inserting immediately after "RSMo," the following:

"section 141.530 as enacted by senate committee substitute for house substitute for house committee substitute for house bills nos. 977 & 1608, eighty-ninth general assembly, second regular session, and section 141.530 as enacted by conference committee substitute no. 2 for house committee substitute for senate bill no. 778, eighty-ninth general assembly, second regular session, section 141.550 as enacted by conference committee substitute for senate committee substitute for house substitute for house bill no. 1238, ninetieth general assembly, second regular session, and section 141.550 as enacted by conference committee substitute for house substitute for house committee substitute for senate committee substitute for senate bill no. 894, ninetieth general assembly, second regular session," ; and

Further amend said bill and page, Section A, Line 1, by inserting immediately after "RSMo," the following:

“section 141.530 as enacted by senate committee substitute for house substitute for house committee substitute for house bills nos. 977 & 1608, eighty-ninth general assembly, second regular session, and section 141.530 as enacted by conference committee substitute no. 2 for house committee substitute for senate bill no. 778, eighty-ninth general assembly, second regular session, section 141.550 as enacted by conference committee substitute for senate committee substitute for house substitute for house bill no. 1238, ninetieth general assembly, second regular session, and section 141.550 as enacted by conference committee substitute for house substitute for house committee substitute for senate committee substitute for senate bill no. 894, ninetieth general assembly, second regular session,” ; and

Further amend said bill, Page 5, Section 67.319, Line 53, by adding after all of said section and line the following:

“141.210. Sections 141.210 to [141.810] **141.982** shall be known by the short title of “Land Tax Collection Law”.

141.220. The following words, terms and definitions, when used in sections 141.210 to 141.810 **and sections 141.980 to 141.982**, shall have the meanings ascribed to them in this section, except where the text clearly indicates a different meaning:

(1) “Appraiser” shall mean a state licensed or certified appraiser licensed or certified pursuant to chapter 339 who is not an employee of the collector or collection authority;

(2) “Collector” shall mean the collector of the revenue in any county affected by sections 141.210 to 141.810 **and sections 141.980 to 141.982**;

(3) “County” shall mean any county of the first class in this state having a charter form of government, any county of the first class not having a charter form of government with a population of at least one hundred fifty thousand but less than one hundred sixty thousand and any county of the first class not having a charter form of government with a population of at least eighty-two thousand but less than eighty-five thousand;

(4) “Court” shall mean the circuit court of any county affected by sections 141.210 to 141.810 **and sections 141.980 to 141.982**;

(5) “Delinquent land tax attorney” shall mean a licensed attorney-at-law, employed or designated by the collector as hereinafter provided;

(6) **“Land bank agency”, an agency created under section 141.980;**

(7) **“Land bank commission”, a commission created under section 141.980;**

(8) “Land taxes” shall mean taxes on real property or real estate and shall include the taxes both on land and the improvements thereon;

[(7)] (9) “Land trustees” and “land trust” shall mean the land trustees and land trust as the same are created by and described in section 141.700;

[(8)] (10) “Municipality” shall include any incorporated city or town, or a part thereof, located in whole or in part within a county of class one, which municipality now has or which may hereafter contain a population of two thousand five hundred inhabitants or more, according to the last preceding federal decennial census;

[(9)] (11) “Person” shall mean any individual, male or female, firm, copartnership, joint adventure,

association, corporation, estate, trust, business trust, receiver or trustee appointed by any state or federal court, trustee otherwise created, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number;

(12) “Private sale” and “private foreclosure sale”, a sheriff’s private foreclosure sale to a land bank agency under a tax lien foreclosure judgment as provided in sections 141.210 to 141.810 and sections 141.980 to 141.902;

[(10)] **(13)** “School district”, “road district”, “water district”, “sewer district”, “levee district”, “drainage district”, “special benefit district”, “special assessment district”, or “park district” shall include those located within a county as such county is described in subdivision (3) of this section;

[(11)] **(14)** “Sheriff” and “circuit clerk” shall mean the sheriff and circuit clerk, respectively, of any county affected by sections 141.210 to 141.810 **and sections 141.980 to 141.982;**

[(12)] **(15)** “Tax bill” as used in sections 141.210 to 141.810 **and sections 141.980 to 141.982** shall represent real estate taxes and the lien thereof, whether general or special, levied and assessed by any taxing authority;

[(13)] **(16)** “Tax district” shall mean the state of Missouri and any county, municipality, school district, road district, water district, sewer district, levee district, drainage district, special benefit district, special assessment district, or park district, located in any municipality or county as herein described;

[(14)] **(17)** “Tax lien” shall mean the lien of any tax bill as defined in [subdivision (12) of] this section;

[(15)] **(18)** “Taxing authority” shall include any governmental, managing, administering or other lawful authority, now or hereafter empowered by law to issue tax bills, the state of Missouri or any county, municipality, school district, road district, water district, sewer district, levee district, drainage district, special benefit district, special assessment district, or park district, affected by sections 141.210 to 141.810 **and sections 141.980 to 141.982.**

141.250. 1. The respective liens of the tax bills for general taxes of the state of Missouri, the county, any municipality and any school district, for the same tax year, shall be equal and first liens upon the real estate described in the respective tax bills thereof; provided, however, that the liens of such tax bills for the latest year for which tax bills are unpaid shall take priority over the liens of tax bills levied and assessed for less recent years, and the lien of such tax bills shall rate in priority in the order of the years for which they are delinquent, the lien of the tax bill longest delinquent being junior in priority to the lien of the tax bill for the next most recent tax year.

2. All tax bills for other than general taxes shall constitute liens junior to the liens for general taxes upon the real estate described therein; provided, however, that a tax bill for other than general taxes, of the more recent issue shall likewise be senior to any such tax bill of less recent date.

3. The proceeds derived from the sale of any lands encumbered with a tax lien or liens, or held by the land trustees **or acquired by a land bank agency a deemed sale under subsection 3 of section 141.560, by redemption under subsection 3 of section 141.981, by gift under subsection 2 of section 141.980, or by deed from land trustees under subsection 1 of section 141.980,** shall be distributed to the owners of such liens in the order of the seniority of the liens, or their respective interests as shown by the records of the land trust **or such land bank agency.** Those holding liens of equal rank shall share in direct proportion to the amounts of their respective liens.

141.290. 1. The collector shall compile lists of all state, county, school, and other tax bills collectible by him which are delinquent according to his records and he shall combine such lists with the list filed by any taxing authority or tax bill owner.

2. The collector shall assign a serial number to each parcel of real estate in each list and if suit has been filed in the circuit court of the county on any delinquent tax bill included in any list, the collector shall give the court docket number of such suit and some appropriate designation of the place where such suit is pending, and such pending suit so listed in any petition filed pursuant to the provisions of sections 141.210 to 141.810 **and sections 141.980 to 141.982** shall, without further procedure or court order, be deemed to be consolidated with the suit brought under sections 141.210 to 141.810 **and sections 141.980 to 141.982**, and such pending suit shall thereupon be abated.

3. The collector shall deliver such combined lists to the delinquent land tax attorney from time to time but not later than April the first of each year.

4. The delinquent land tax attorney shall incorporate such lists in petitions in the form prescribed in section 141.410, and shall file such petitions with the circuit clerk not later than June first of each year.

141.300. 1. The collector shall receipt for the aggregate amount of such delinquent tax bills appearing on the list or lists filed with him under the provisions of section 141.290, which receipt shall be held by the owner or holder of the tax bills or by the treasurer or other corresponding financial officer of the taxing authority so filing such list with the collector.

2. The collector shall, on or before the fifth day of each month, file with the owner or holder of any tax bill or with the treasurer or other corresponding financial officer of any taxing authority, a detailed statement, verified by affidavit, of all taxes collected by him during the preceding month which appear on the list or lists received by him, and shall, on or before the fifteenth day of the month, pay the same, less his commissions and costs payable to the county, to the tax bill owner or holder or to the treasurer or other corresponding financial officer of any taxing authority; provided, however, that the collector shall be given credit for the full amount of any tax bill which is bid in by the land trustees and where title to the real estate described in such tax bill is taken by the land trust **or where title to the real estate described in such tax bill is taken by the land bank agency under a deemed sale under subsection 3 of section 141.560.**

141.320. 1. The collector shall at his option appoint a delinquent land tax attorney at a compensation of ten thousand dollars per year, or in counties having a county counselor, the collector shall at his option designate the county counselor and such of his assistants as shall appear necessary to act as the delinquent land tax attorney.

2. A delinquent land tax attorney who is not the county counselor, with the approval of the collector, may appoint one or more assistant delinquent land tax attorneys at salaries of not less than two hundred dollars and not more than four hundred dollars per month, and such clerical employees as may be necessary, at salaries to be fixed by the collector at not less than three hundred dollars and not more than four hundred dollars per month; and the appointed delinquent tax attorney may incur such reasonable expenses as are necessary for the performance of his duties.

3. The delinquent land tax attorney and his assistants shall perform legal services for the collector and shall act as attorney for him in the prosecution of all suits brought for the collection of land taxes; but they shall not perform legal services for the land trust **or any land bank agency.**

4. Salaries and expenses of a delinquent land tax attorney who is not also the county counselor, his

assistants and his employees shall be paid monthly out of the treasury of the county from the same funds as employees of the collector whenever the funds provided for by sections 141.150, 141.270, and 141.620 are not sufficient for such purpose.

5. The compensation herein provided shall be the total compensation for a delinquent land tax attorney who is not also a county counselor, his assistants and employees, and when the compensation received by him or owing to him by the collector exceeds ten thousand dollars in any one calendar year by virtue of the sums charged and collected pursuant to the provisions of section 141.150, the surplus shall be credited and applied by the collector to the expense of the delinquent land tax attorney and to the compensation of his assistants and employees, and any sum then remaining shall be paid into the county treasury on or before the first day of March of each year and credited to the general revenue fund of the county.

6. A delinquent land tax attorney who is not also the county counselor shall make a return quarterly to the county commission of such county of all compensation received by him, and of all amounts owing to him by the collector, and of all salaries and expenses of any assistants and employees, stating the same in detail, and verifying such amounts by his affidavit.

141.410. 1. A suit for the foreclosure of the tax liens herein provided for shall be instituted by filing in the appropriate office of the circuit clerk a petition, which petition shall contain a caption, a copy of the list so furnished to the delinquent land tax attorney by the collector, and a prayer. Such petition without further allegation shall be deemed to be sufficient.

2. The caption shall be in the following form:

In the Circuit Court of County, Missouri,

In the Matter of

Foreclosure of Liens for Delinquent Land Taxes

By Action in Rem.

Collector of Revenue of County, Missouri,

Plaintiff

-vs.-

Parcels of Land Encumbered with Delinquent Tax Liens

Defendants.

3. The petition shall conclude with a prayer that all tax liens upon such real estate be foreclosed; that the court determine the amounts and priorities of all tax bills, together with interest, penalties, costs, and attorney's fees; that the court order such real estate to **either** be sold by the sheriff at public sale as provided by sections 141.210 to 141.810 **and sections 141.980 to 141.982** and that thereafter a report of such sale be made by the sheriff to the court for further proceedings under sections 141.210 to 141.810 **and sections 141.980 to 141.982, or be sold by the sheriff at a private sale to a land bank agency if so designated by such land bank agency within thirty days after judgment of foreclosure has been entered. Any additional costs relating to such a private sale incurred by the county shall be reimbursed by such land bank agency to the county within thirty days after the county submits a bill therefor to such land bank agency.**

4. The delinquent land tax attorney within ten days after the filing of any such petition, shall forward by United States registered mail to each person or taxing authority having filed a list of delinquent tax bills with the collector as provided by sections 141.210 to 141.810 **and sections 141.980 to 141.982** a notice of the time and place of the filing of such petition and of the newspaper in which the notice of publication has been or will be published.

5. The petition when so filed shall have the same force and effect with respect to each parcel of real estate therein described, as a separate suit instituted to foreclose the tax lien or liens against any one of said parcels of real estate.

141.420. 1. Except as otherwise provided in subsection 3 of section 141.520, any person having any right, title or interest in, or lien upon, any parcel of real estate described in such petition, may redeem such parcel of real estate by paying to the collector all of the sums mentioned therein, including principal, interest, penalties, attorney's fees and costs then due, at any time prior to the time of the **public foreclosure sale or private** foreclosure sale of such real estate by the sheriff.

2. In the event of failure to redeem prior to the time of the **public foreclosure sale or private** foreclosure sale **of such parcel** by the sheriff, such person shall be barred and forever foreclosed of all his right, title and interest in and to the parcels of real estate described in such petition.

3. Upon redemption, as permitted by this section, the person redeeming shall be entitled to a certificate of redemption from the collector describing the property in the same manner as it is described in such petition, and the collector shall thereupon note on his records the word "redeemed" and the date of such payment opposite the description of such parcel of real estate.

4. The collector shall promptly notify the taxing authority and the delinquent land tax attorney of such redemption, and such payment shall operate as a release of the lien of the tax bill or bills involved and as a dismissal of the suit so far as such tax bill or bills are concerned.

141.430. 1. Upon the filing of such suits with the circuit clerk, the delinquent land tax attorney shall forthwith cause a notice of foreclosure to be published four times, once a week, during successive weeks, and on the same day of each week, in a daily newspaper of general circulation regularly published in such county, qualified according to law for the publication of public notices and advertisements.

2. Such notice shall be in substantially the following form:

NOTICE OF FORECLOSURE OF LIENS FOR DELINQUENT LAND TAXES,
BY ACTION IN REM

Public notice is hereby given that on the day of, 20.., the Collector of Revenue of County, Missouri, filed a petition, being suit No., in the Circuit Court of County, Missouri, at (stating the city), for the foreclosure of liens for delinquent land taxes (except liens in favor of the United States of America, if any) against the real estate situated in such county, all as described in said petition.

The object of said suit is to obtain from the Court a judgment foreclosing the tax liens against such real estate and ordering the sale of such real estate for the satisfaction of said tax liens thereon (except liens in favor of the United States of America, if any), including principal, interest, penalties, attorneys' fees and costs. Such action is brought against the real estate only and no personal judgment shall be entered therein.

The serial number assigned by the Collector to each parcel of real estate, a description of each such parcel, a statement of the total principal amount of all delinquent tax bills against each such parcel of real

estate, all of which, as to each parcel, is more fully set out and itemized in the aforesaid petition, and the name of the last known person appearing on the records of the collector in whose name said tax bills were listed or charged for the year preceding the calendar year in which the list described in said petition was filed with the collector, are, respectively, as follows: (Here set out the respective serial numbers, descriptions, names, and statements of total principal amounts of tax bills, next above referred to.)

The total principal amounts of delinquent taxes set out in this notice do not include the lawful interest, penalties, attorneys' fees and costs which have accrued against the respective parcels of real estate, all of which in each case is set out and itemized in the aforesaid petition.

Any person or taxing authority owning or holding any tax bill or claiming any right, title or interest in or to or lien upon any such parcel of real estate, must file an answer to such suit in the office of the Circuit Clerk of the aforesaid County, and a copy of such answer with the Delinquent Land Tax Attorney at the office of the Collector of Revenue of said County, on or before the day of, 20.., and in such answer shall set forth in detail the nature and amount of such interest and any defense or objection to the foreclosure of the tax liens, or any affirmative relief he or it may be entitled to assert with respect thereto.

Any person having any right, title or interest in or to, or lien upon, any parcel of such real estate, may redeem such parcel of real estate by paying all of the sums mentioned therein, to the undersigned Collector of Revenue, including principal, interest, penalties, attorneys' fees and costs then due, at any time prior to the time of the **public foreclosure sale or the private** foreclosure sale of such real estate by the sheriff.

In the event of failure to answer or redeem on or before the date herein fixed as the last day for filing answer in the suit, by any person having the right to answer or redeem, such person shall be forever barred and foreclosed as to any defense or objection he might have to the foreclosure of such liens for delinquent taxes and a judgment of foreclosure may be taken by default. Redemption may be made, however, up to the time fixed for the holding of sheriff's **public foreclosure sale or the private** foreclosure sale **of any such real estate**, and thereafter there shall be no equity of redemption and each such person having any right, title or interest in or to, or any lien upon, any such parcel of real estate described in the petition so failing to answer or redeem as aforesaid, shall be forever barred and foreclosed of any right, title or interest in or lien upon or any equity of redemption in said real estate.

.....
Collector of Revenue
County, Missouri

.....
Address

.....
Delinquent Land Tax Attorney

.....
Address

.....
First Publication:

.....

141.450. Such notice shall be substantially as follows:

To the person to whom this notice is addressed:

You are the last known person, according to the records in this office, in whose name land taxes were billed or charged, as to one or more parcels of real estate described in a certain petition bearing cause No. (fill in number of case) filed in the Circuit Court of County, Missouri, at (fill in city), on, 20.., wherein a foreclosure of the lien of various delinquent tax bills is sought and a court order asked for the purpose of selling said real estate at a public sale **or a private sale** for payment of all delinquent tax bills, together with interest, penalties, attorney's fees and costs. Publication of notice of such foreclosure was commenced on the day of, 20.., in (here insert name of newspaper), a daily newspaper published in (here insert name of city), Missouri.

Unless all delinquent taxes be paid upon the parcels of real estate described in said petition and said real estate redeemed prior to the time of the **public** foreclosure sale **or private foreclosure sale** of such real estate by the sheriff, the owner or any person claiming any right, title or interest in or to, or lien upon, any such parcels of real estate, shall be forever barred and foreclosed of all right, title and interest and equity of redemption in and to such parcels of real estate; provided, however, that any such persons shall have the right to file an answer in said suit on or before the day of, 20.., in the office of the Circuit Clerk and a copy thereof with the Delinquent Land Tax Attorney, setting forth in detail the nature and amount of the interest and any defense or objection to the foreclosure.

Dated

.....
Delinquent Land Tax
Attorney

.....
Collector of Revenue
.....County, Missouri

.....
Address

.....
Address

141.480. 1. Upon the trial of the cause upon the question of foreclosure, the tax bill, whether general or special, issued by any taxing authority shall be prima facie proof that the tax described in the tax bill has been validly assessed at the time indicated by the tax bill and that the tax is unpaid. Absent any answer the court shall take the allegations of the petition as confessed. Any person alleging any jurisdictional defect or invalidity in the tax bill or in the sale thereof must particularly specify in his answer the defect or basis of invalidity, and must, upon trial, affirmatively establish such defense.

2. Prior to formal hearing, the court may conduct an informal hearing for the purpose of clarifying issues, and shall attempt to reach an agreement with the parties upon a stipulated statement of facts. The court shall hear the evidence offered by the collector or relator as the case may be, and by all answering parties, and shall determine the amount of each and every tax bill proved by the collector or any answering party, together with the amount of interest, penalties, attorney's fees and costs accruing upon each tax bill and the date from which interest began to accrue upon each tax bill and the rate thereof. The court shall hear evidence and determine every issue of law and of fact necessary to a complete adjudication of all tax liens asserted by any and every pleading, and may also hear evidence and determine any other issue of law or fact affecting any other right, title, or interest in or to, or lien upon, such real estate, sought to be enforced by any party to the proceeding against any other party to the proceeding who has been served by process or publication as authorized by law, or who has voluntarily appeared, and shall determine the order and priority

of the liens and of any other rights or interest put in issue by the pleadings.

3. After the court has first determined the validity of the tax liens of all tax bills affecting parcels of real estate described in the petition, the priorities of the respective tax bills and the amounts due thereon, including principal, interest, penalties, attorney's fees, and costs, the court shall thereupon enter judgment of foreclosure of such liens and fix the time and place of the **public** foreclosure sale **and the time of the private foreclosure sale**. The petition shall be dismissed as to any parcel of real estate redeemed prior to the time fixed for the sheriff's **public or private** foreclosure sale **thereof** as provided in sections 141.210 to 141.810 **and sections 141.980 to 141.982**. If the parcel of real estate auctioned off at sheriff's **public** foreclosure sale **or sold at sheriff's private foreclosure sale** is sold for a sum sufficient to fully pay the principal amount of all tax bills included in the judgment, together with interest, penalties, attorney's fees and costs, and for no more, and such sale is confirmed by the court, then all other proceedings as to such parcels of real estate shall be finally dismissed as to all parties and interests other than tax bill owners or holders; provided, however, that any parties seeking relief other than an interest in or lien upon the real estate may continue with said suit to a final adjudication of such other issues; provided, further, an appeal may be had as to any claim attacking the validity of the tax bill or bills or the priorities as to payment of proceeds of foreclosure sale. If the parcel of real estate auctioned off at sheriff's **public** foreclosure sale is sold for a sum greater than the total amount necessary to pay the principal amount of all tax bills included in the judgment, together with interest, penalties, attorney's fees and costs, and such sale is confirmed by the court, and no appeal is taken by any person claiming any right, title or interest in or to or lien upon said parcel of real estate or by any person or taxing authority owning or holding or claiming any right, title or interest in or to any tax bills within the time fixed by law for the filing of notice of appeal, the court shall thereupon order the sheriff to make distribution to the owners or holders of the respective tax bills included in the judgment of the amounts found to be due and in the order of priorities. Thereafter all proceedings in the suit shall be ordered by the court to be dismissed as to such persons or taxing authorities owning, holding or claiming any right, title, or interest in any such tax bill or bills so paid, and the case shall proceed as to any parties claiming any right, title, or interest in or lien upon the parcel of real estate affected by such tax bill or bills as to their respective claims to such surplus funds then remaining in the hands of the sheriff.

4. Whenever an answer is filed to the petition, as herein provided, a severance of the action as to all parcels of real estate affected by such answer shall be granted, and the issues raised by the petition and such answer shall be tried separate and apart from the other issues in the suit, but the granting of such severance shall not delay the trial or other disposition of any other issue in the case. A separate appeal may be taken from any action of the court affecting any right, title, or interest in or to, or lien upon, such real estate, other than issues of law and fact affecting the amount or validity of the lien of tax bills, but the proceeding to foreclose the lien of any tax bills shall not be stayed by such appeal. The trial shall be conducted by the court without the aid of a jury and the suit shall be in equity. This action shall take precedence over and shall be triable before any other action in equity affecting the title to such real estate, upon motion of any interested party.

141.520. 1. **With respect to parcels of real estate to be sold in a public foreclosure sale**, after the judgment of foreclosure has been entered, or, after a motion for a new trial has been overruled, or, if an appeal be taken from such judgment and the judgment has been affirmed, after the sheriff shall have been notified by any party to the suit that such judgment has been affirmed on appeal and that the mandate of the appellate court is on file with the circuit clerk, there shall be a waiting period of six months before any advertisement of sheriff's **public foreclosure sale** shall be published.

2. If any such parcel of real estate **to be sold in a public foreclosure sale** be not redeemed, or if no written contract providing for redemption be made within six months after the date of the judgment of foreclosure, if no motion for rehearing be filed, and, if filed, within six months after such motion may have been overruled, or, if an appeal be taken from such judgment and the judgment be affirmed, within six months after the sheriff shall have been notified by any party to the suit that such judgment has been affirmed on appeal and that the mandate of the appellate court is on file with the circuit clerk, the sheriff shall commence to advertise the real estate described in the judgment and shall fix the date of **the public foreclosure** sale within thirty days after the date of the first publication of the notice of sheriff's sale as herein provided, and shall at such sale proceed to sell the real estate.

3. **With respect to parcels of real estate to be sold to a land bank agency in a private foreclosure sale, after the judgement of foreclosure has been entered or after a motion for a new trial has been overruled or if an appeal is taken from such judgment and the judgment has been affirmed, after the collector shall have been notified by any party to the suit that such judgment has been affirmed on appeal and that the mandate of the appellate court is on file with the clerk, there shall be a waiting period of six months before such private foreclosure sale.**

4. Any provisions of this chapter to the contrary notwithstanding, the owner of any parcel of real property against which a judgment has been rendered shall not have the right to redeem such property from said judgment if at the time of judgment such property is assessed as residential property and the judgment finds the property has been vacant for a period of not less than six months prior to the judgment. After a judgment as provided for in this section becomes final, the waiting period shall not apply to such judgment and a sale under execution of the judgment shall be immediately held as provided under the applicable provisions of this chapter.

141.530. 1. Except as otherwise provided in section 141.520, during such waiting period and at any time prior to the time of **the public or the private** foreclosure sale **of a parcel** by the sheriff, any interested party may redeem [any] **such** parcel of real estate as provided by this chapter. During such waiting period and at any time prior to the time of **the public or the private** foreclosure sale **of a parcel** by the sheriff, the collector may, at the option of the party entitled to redeem, enter into a written redemption contract with any such party interested in [any] **such** parcel of real estate, providing for payment in installments, monthly or bimonthly, of the delinquent tax bills, including interest, penalties, attorney's fees and costs charged against such parcel of real estate, provided, however, that in no instance shall such installments exceed twelve in number or extend more than twenty-four months next after any agreement for such installment payments shall have been entered into; provided further, that upon good cause being shown by the owner of any parcel of real estate occupied as a homestead, or in the case of improved real estate with an assessed valuation of not more than three thousand five hundred dollars, owned by an individual, the income from such property being a major factor in the total income of such individual, or by anyone on his behalf, the court may, in its discretion, fix the time and terms of payment in such contract to permit all of such installments to be paid within not longer than forty-eight months after any order or agreement as to installment payments shall have been made.

2. So long as such installments be paid according to the terms of the contract, the said six months waiting period shall be extended, but if any installment be not paid when due, the extension of said waiting period shall be ended without notice, and the real estate shall forthwith be advertised for sale or included in the next notice of sheriff's foreclosure sale.

[3. No redemption contracts may be used under this section for residential property which has been vacant for at least six months in any municipality contained wholly or partially within a county with a population of over six hundred thousand and less than nine hundred thousand.]

[141.530. 1. Except as otherwise provided in section 141.520, during such waiting period and at any time prior to the time of foreclosure sale by the sheriff, any interested party may redeem any parcel of real estate as provided by this chapter. During such waiting period and at any time prior to the time of foreclosure sale by the sheriff, the collector may, at the option of the party entitled to redeem, enter into a written redemption contract with any such party interested in any parcel of real estate, other than a residential property which has been vacant for at least six months, providing for payment in installments, monthly or bimonthly, of the delinquent tax bills, including interest, penalties, attorney's fees and costs charged against such parcel of real estate, provided, however, that in no instance shall such installments exceed twelve in number or extend more than twenty-four months next after any agreement for such installment payments have been entered into; provided further, that upon good cause being shown by the owner of any parcel of real estate occupied as a homestead, or in the case of improved real estate with an assessed valuation of not more than three thousand five hundred dollars, owned by an individual, the income from such property being a major factor in the total income of such individual, or by anyone on the individual's behalf, the court may, in its discretion, fix the time and terms of payment in such contract to permit all of such installments to be paid within not longer than forty-eight months after any order or agreement as to installment payments being made.

2. So long as such installments are paid according to the terms of the contract, the six-month waiting period shall be extended, but if any installment is not paid when due, the extension of such waiting period shall be ended without notice, and the real estate shall forthwith be advertised for sale or included in the next notice of sheriff's foreclosure sale.]

141.540. 1. In any county at a certain front door of whose courthouse sales of real estate are customarily made by the sheriff under execution, the sheriff shall advertise for sale and sell **in a public foreclosure sale** the respective parcels of real estate ordered sold by him or her pursuant to any judgment of foreclosure by any court pursuant to sections 141.210 to 141.810 at any of such courthouses **which are not sold in a private foreclosure sale**, but the sale of such parcels of real estate shall be held at the same front door as sales of real estate are customarily made by the sheriff under execution.

2. Such advertisements may include more than one parcel of real estate, and shall be in substantially the following form: NOTICE OF SHERIFF'S SALE UNDER JUDGMENT OF FORECLOSURE OF LIENS FOR DELINQUENT LAND TAXES

No. In the Circuit Court of County, Missouri. In the Matter of Foreclosure of Liens for Delinquent Land Taxes Collector of Revenue of County, Missouri, Plaintiff, vs. Parcels of Land encumbered with Delinquent Tax Liens, Defendants.

WHEREAS, judgment has been rendered against parcels of real estate for taxes, interest, penalties, attorney's fees and costs with the serial numbers of each parcel of real estate, the description thereof, the name of the person appearing in the petition in the suit, and the total amount of the judgment against each such parcel for taxes, interest, penalties, attorney's fees and costs, all as set out in said judgment and described in each case, respectively, as follows: (Here set out the respective serial numbers, descriptions, names and total amounts of each judgment, next above referred to.) and,

WHEREAS, such judgment orders such real estate sold by the undersigned sheriff, to satisfy the total amount of such judgment, including interest, penalties, attorney's fees and costs,

NOW, THEREFORE,

Public Notice is hereby given that I, Sheriff of County, Missouri, will sell such real estate, parcel by parcel, at public auction, to the highest bidder, for cash, between the hours of nine o'clock A.M. and five o'clock P.M., at the front door of the County Courthouse in, Missouri, on, the day of, 20.., and continuing from day to day thereafter, to satisfy the judgment as to each respective parcel of real estate sold. If no acceptable bids are received as to any parcel of real estate, said parcel shall be sold to the Land Trust of (insert name of County), Missouri.

Any bid received shall be subject to confirmation by the court.

.....
 Sheriff of
 County,
 Missouri.

.....
 Delinquent Land Tax Attorney

Address:

First Publication,

20. . .

3. Such advertisement shall be published four times, once a week, upon the same day of each week during successive weeks prior to the date of such sale, in a daily newspaper of general circulation regularly published in the county, qualified according to law for the publication of public notices and advertisements.

4. In addition to the provisions herein for notice and advertisement of **public** sale, the county collector shall enter upon the property subject to foreclosure of these tax liens and post a written informational notice in any conspicuous location thereon. This notice shall describe the property and advise that it is the subject of delinquent land tax collection proceedings before the circuit court brought pursuant to sections 141.210 to 141.810 and that it may be sold for the payment of delinquent taxes at a **public foreclosure** sale to be held at ten o'clock a.m., date and place, **or at a private foreclosure sale, date, and place**, and shall also contain a file number and the address and phone number of the collector. If the collector chooses to post such notices as authorized by this subsection, such posting must be made not later than the fourteenth day prior to the date of the sale.

5. The collector shall, concurrently with the beginning of the publication of sale **for parcels to be sold in a public foreclosure sale, or not less than thirty days prior to the sale for parcels to be sold in a private foreclosure sale**, cause to be prepared and sent by [restricted, registered or certified] **first class** mail with postage prepaid, a brief notice of the date, location, and time of sale of property in foreclosure of tax liens pursuant to sections 141.210 to 141.810, to the persons named in the petition as being the last known persons in whose names tax bills affecting the respective parcels of real estate described in said petition were last billed or charged on the books of the collector, or the last known owner of record, if different, and to the addresses of said persons upon said records of the collector. [The terms "restricted", "registered" or "certified mail" as used in this section mean mail which carries on the face thereof in a conspicuous place, where it will not be obliterated, the endorsement, "DELIVER TO ADDRESSEE ONLY", and which also requires a return receipt or a statement by the postal authorities that the addressee refused to receive and receipt for such mail.] If the notice is returned to the collector by the postal authorities as undeliverable for

reasons other than the refusal by the addressee to receive [and receipt for] the notice [as shown by the return receipt], then the collector shall make a search of the records maintained by the county, including those kept by the recorder of deeds, to discern the name and address of any person who, from such records, appears as a successor to the person to whom the original notice was addressed, and to cause another notice to be mailed to such person. The collector shall prepare and file with the circuit clerk prior to confirmation hearings an affidavit reciting to the court any name, address and serial number of the tract of real estate affected of any such notices of sale that are undeliverable because of an addressee's refusal to receive [and receipt for] the same, or of any notice otherwise nondeliverable by mail, or in the event that any name or address does not appear on the records of the collector, then of that fact. The affidavit in addition to the recitals set forth above shall also state reason for the nondelivery of such notice.

6. The collector may, at his or her option, concurrently with the beginning of the publication of sale **for parcels to be sold in a public foreclosure sale, or not less than thirty days prior to the sale for parcels to be sold in a private foreclosure sale**, cause to be prepared and sent by [restricted, registered or certified] **first class** mail with postage prepaid, a brief notice of the date, location, and time of sale of property in foreclosure of tax liens pursuant to sections 141.210 to 141.810, to the mortgagee or security holder, if known, of the respective parcels of real estate described in said petition, and to the addressee of such mortgagee or security holder according to the records of the collector. [The terms "restricted", "registered" or "certified mail" as used in this section mean mail which carries on the face thereof in a conspicuous place, where it will not be obliterated, the endorsement, "DELIVER TO ADDRESSEE ONLY", and which also requires a return receipt or a statement by the postal authorities that the addressee refused to receive and receipt for such mail.] If the notice is returned to the collector by the postal authorities as undeliverable for reasons other than the refusal by the addressee to receive [and receipt for] the notice [as shown by the return receipt], then the collector shall make a search of the records maintained by the county, including those kept by the recorder of deeds, to discern the name and address of any security holder who, from such records, appears as a successor to the security holder to whom the original notice was addressed, and to cause another notice to be mailed to such security holder. The collector shall prepare and file with the circuit clerk prior to confirmation hearings an affidavit reciting to the court any name, address and serial number of the tract of real estate affected by any such notices of sale that are undeliverable because of an addressee's refusal to receive [and receipt for] the same, or of any notice otherwise nondeliverable by mail, and stating the reason for the nondelivery of such notice.

141.550. 1. The **public foreclosure** sale shall be conducted, the sheriff's return thereof made, and the sheriff's deed pursuant to the sale executed, all as provided in the case of sales of real estate taken under execution except as otherwise provided in sections 141.210 to 141.810, and provided that such sale need not occur during the term of court or while the court is in session.

2. The following provisions shall apply to any **public foreclosure** sale pursuant to this section of property located within any municipality contained wholly or partially within a county with a population of over six hundred thousand and less than nine hundred thousand:

(1) The sale shall be held on the day for which it is advertised, between the hours of nine o'clock a.m. and five o'clock p.m. and continued day to day thereafter to satisfy the judgment as to each respective parcel of real estate sold;

(2) The sale shall be conducted publicly, by auction, for ready money. The highest bidder shall be the purchaser unless the highest bid is less than the full amount of all tax bills included in the judgment, interest, penalties, attorney's fees and costs then due thereon. No person shall be eligible to bid at the time of the sale unless such person has, no later than ten days before the sale date, demonstrated to the satisfaction of the

official charged by law with conducting the sale that he or she is not the owner of any parcel of real estate in the county which is affected by a tax bill which has been delinquent for more than six months and is not the owner of any parcel of real property with two or more violations of the municipality's building or housing codes. A prospective bidder may make such a demonstration by presenting statements from the appropriate collection and code enforcement officials of the municipality.

3. Such sale shall convey the whole interest of every person having or claiming any right, title or interest in or lien upon such real estate, whether such person has answered or not, subject to rights-of-way thereon of public utilities upon which tax has been otherwise paid, and subject to the lien thereon, if any, of the United States of America.

4. The collector shall advance the sums necessary to pay for the publication of all advertisements required by sections 141.210 to 141.810 and shall be allowed credit therefor in his or her accounts with the county. The collector shall give credit in such accounts for all such advances recovered by him or her. Such expenses of publication shall be apportioned pro rata among and taxed as costs against the respective parcels of real estate described in the judgment; provided, however, that none of the costs herein enumerated, including the costs of publication, shall constitute any lien upon the real estate after such sale.

[141.550. 1. The sale shall be conducted, the sheriff's return thereof made, and the sheriff's deed pursuant to the sale executed, all as provided in the case of sales of real estate taken under execution except as otherwise provided in sections 141.210 to 141.810, and provided that such sale need not occur during the term of court or while the court is in session.

2. The following provisions shall apply to any sale pursuant to this section of property located within any municipality contained wholly or partially within a county with a population of over six hundred thousand and less than nine hundred thousand:

(1) The sale shall be held on the day for which it is advertised, between the hours of nine o'clock a.m. and five o'clock p.m. and continued day to day thereafter to satisfy the judgment as to each respective parcel of real estate sold;

(2) The sale shall be conducted publicly, by auction, for ready money. The highest bidder shall be the purchaser unless the highest bid is less than the full amount of all tax bills included in the judgment, interest, penalties, attorney's fees and costs then due thereon. No person shall be eligible to bid at the time of the sale unless such person has, no later than ten days before the sale date, demonstrated to the satisfaction of the official charged by law with conducting the sale that he or she is not the owner of any parcel of real estate in the county which is affected by a tax bill which has been delinquent for more than six months and is not the owner of any parcel of real property with two or more convictions based on violations occurring within a two-year period of the municipality's building or housing codes. A prospective bidder may make such a demonstration by presenting statements from the appropriate collection and code enforcement officials of the municipality.

3. Such sale shall convey the whole interest of every person having or claiming any right, title or interest in or lien upon such real estate, whether such person has answered or not, subject to rights-of-way thereon of public utilities upon which tax has been otherwise paid, and subject to the lien thereon, if any, of the United States of America.

4. The collector shall advance the sums necessary to pay for the publication of all advertisements required by sections 141.210 to 141.810 and shall be allowed credit therefor in his or her accounts with the county. The collector shall give credit in such accounts for all such advances recovered by

him or her. Such expenses of publication shall be apportioned pro rata among and taxed as costs against the respective parcels of real estate described in the judgment; provided, however, that none of the costs herein enumerated, including the costs of publication, shall constitute any lien upon the real estate after such sale.]

141.560. 1. If, when the sheriff offers the respective parcels of real estate for sale **at public foreclosure sale**, there be no bidders for any parcel, or there be insufficient time or opportunity to sell all of the parcels of real estate so advertised, the sheriff shall adjourn such sale from day to day at the same place and commencing at the same hour as when first offered and shall announce that such real estate will be offered or reoffered for sale at such time and place.

2. **With respect to any parcel of real estate not located within a municipality that is an appointing authority under section 141.980**, in the event no bid equal to the full amount of all tax bills included in the judgment, interest, penalties, attorney's fees and costs then due thereon shall be received at such sale after any parcel of real estate has been offered for sale on three different days, which need not be successive, the land trustees shall be deemed to have bid the full amount of all tax bills included in the judgment, interest, penalties, attorney's fees and costs then due, and if no other bid be then received by the sheriff in excess of the bid of the trustees, and the sheriff shall so announce at the sale, then the bid of the trustees shall be announced as accepted. The sheriff shall report any such bid or bids so made by the land trustees in the same way as his report of other bids is made. **The land trustees shall pay any penalties, attorney's fees or costs included in the judgment of foreclosure of such parcel of real estate, when such parcel is sold or otherwise disposed of by the land trustees, as herein provided. Upon confirmation by the court of such bid at such sale by such land trustees, the collector shall mark the tax bills so bid by the land trustees as "canceled by sale to the land trust" and shall take credit for the full amount of such tax bills, including principal amount, interest, penalties, attorney's fees, and costs, on the collector's books and in the collector's statements with any other taxing authorities.**

3. [The land trustees shall pay any penalties, attorney's fees or costs included in the judgment of foreclosure of such parcel of real estate, when such parcel is sold or otherwise disposed of by the land trustees, as herein provided. Upon confirmation by the court of such bid at such sale by such land trustees, the collector shall mark the tax bills so bid by the land trustees as "canceled by sale to the land trust" and shall take credit for the full amount of such tax bills, including principal amount, interest, penalties, attorney's fees, and costs, on his books and in his statements with any other taxing authorities.] **With respect to any parcel of real estate located within a municipality that is an appointing authority under section 141.980**, in the event no bid equal to the full amount of all tax bills included in the judgment, interest, penalties, attorney's fees, and costs then due thereon shall be received at such sale after such parcel of real estate has been offered for sale on three different days, which need not be successive, the land bank agency for which such municipality is an appointing authority shall be deemed to have bid the full amount of all tax bills included in the judgment, interest, penalties, attorney's fees, and costs then due, and the sheriff shall so announce at the sale, then the bid of the land bank agency shall be announced as accepted. The sheriff shall report any such bid or bids so made by such land bank agency in the same way as the sheriff's report of other bids is made. Upon confirmation by the court of such bid at such sale by such land bank agency, the collector shall mark the tax bills so bid by such land bank agency as "canceled by sale to the land bank" and shall take credit for the full amount of such tax bills, including principal amount, interest, penalties, attorney's fees, and costs, on the collector's books and in the collector's statements with any other taxing authorities.

141.570. 1. The title to any real estate which shall vest in the land trust under the provisions of sections 141.210 to 141.810 **and sections 141.980 to 141.982** shall be held by the land trust of such county in trust for the tax bill owners and taxing authorities having an interest in any tax liens which were foreclosed, as their interests may appear in the judgment of foreclosure. **The title to any real estate acquired by a land bank agency pursuant to a deemed sale under subsection 3 of section 141.560 or by deed from land trustees under subsection 1 of section 141.980 shall be held in trust for the tax bill owners and taxing authorities having an interest in any tax liens which were foreclosed, as their interests may appear in the judgment of foreclosure.**

2. The title to any real estate which shall vest in any purchaser **in a private or public foreclosure sale**, upon confirmation of such sale by the court, shall be an absolute estate in fee simple, subject to rights-of-way thereon of public utilities on which tax has been otherwise paid, and subject to any lien thereon of the United States of America, if any, and all persons, including the state of Missouri, infants, incapacitated and disabled persons as defined in chapter 475, and nonresidents who may have had any right, title, interest, claim, or equity of redemption in or to, or lien upon, such lands, shall be barred and forever foreclosed of all such right, title, interest, claim, lien or equity of redemption, and the court shall order immediate possession of such real estate be given to such purchaser; provided, however, that such title shall also be subject to the liens of any tax bills which may have attached to such parcel of real estate prior to the time of the filing of the petition affecting such parcel of real estate not then delinquent, or which may have attached after the filing of the petition and prior to sheriff's sale and not included in any answer to such petition, but if such parcel of real estate is **deemed** sold to the land trust **under subsection 2 of section 141.560 or deemed sold to a land bank agency under subsection 3 of section 141.560**, the title thereto shall be free of any such liens to the extent of the interest of any taxing authority in such real estate; provided further, that such title shall not be subject to the lien of special tax bills which have attached to the parcel of real estate prior to November 22, 1943, but the lien of such special tax bills shall attach to the proceeds of the sheriff's sale or to the proceeds of the ultimate sale of such parcel by the land trust.

141.580. 1. After the sheriff sells any parcel of real estate, the court shall, upon its own motion or upon motion of any interested party, set the cause down for hearing to confirm the foreclosure sale thereof, even though such parcels are not all of the parcels of real estate described in the notice of sheriff's foreclosure sale. At the time of such hearing, the sheriff shall make report of the sale, and the court shall hear evidence of the value of the property offered on behalf of any interested party to the suit, and shall forthwith determine whether an adequate consideration has been paid for each such parcel; **provided that the amount to be paid by a land bank agency under subsection 5 of section 141.982 for a parcel sold to such land bank agency in a private foreclosure sale shall be deemed to be adequate consideration therefor and no evidence of value shall be heard with respect to such parcel; and provided further, that the amount bid for a parcel by a land bank agency under subsection 3 of section 141.560 shall be deemed adequate consideration and no evidence of value shall be heard with respect to such parcel; and provided further, that the amount bid for a parcel by land trust under subsection 2 of section 141.560 shall be deemed adequate consideration and no evidence of value shall be heard with respect to such parcel.**

2. For this purpose the court shall have power to summon any city or county official or any private person to testify as to the reasonable value of the property, and if the court finds that adequate consideration has been paid, he **or she** shall confirm the sale and order the sheriff to issue a deed to the purchaser. If the court finds that the consideration paid is inadequate, **the court shall confirm the sale if** the purchaser [may] increase his **or her** bid to such amount as the court [may deem] **deems** to be adequate[, whereupon the court

may confirm the sale. If, however,] **and makes such additional payment, or if all tax bills included in the judgment, interest, penalties, attorney's fees, and costs then due thereon are not paid in full by one or more interested parties to the suit. If the court finds that the consideration is inadequate, but the purchaser declines to increase his or her bid to such an amount as the court deems adequate and make such additional payment, then the sale shall be disapproved if all tax bills included in the judgment, interest, penalties, attorney's fees, and costs then due thereon are paid in full by one or more interested parties to the suit,** the lien of the judgment continued, and such parcel of real estate shall be again advertised and offered for sale by the sheriff to the highest bidder at public auction for cash at any subsequent sheriff's foreclosure sale. [Unless the court requires evidence of the value of the property conveyed to land trust, none shall be required, and the amount bid by the land trustees shall be deemed adequate consideration.]

3. If the sale is confirmed, the court shall order the proceeds of the sale applied in the following order:

(1) To the payment of the costs of the publication of the notice of foreclosure and of the sheriff's foreclosure sale;

(2) To the payment of all costs including appraiser's fee not to exceed fifteen dollars and attorney's fees;

(3) To the payment of all tax bills adjudged to be due in the order of their priority, including principal, interest and penalties thereon.

If, after such payment, there is any sum remaining of the proceeds of the sheriff's foreclosure sale, the court shall thereupon try and determine the other issues in the suit in accordance with section 141.480. If any answering parties have specially appealed as provided in section 141.570, the court shall retain the custody of such funds pending disposition of such appeal, and upon disposition of such appeal shall make such distribution. If there are not sufficient proceeds of the sale to pay all claims in any class described, the court shall order the same to be paid pro rata in accordance with the priorities.

4. If there are any funds remaining of the proceeds after the sheriff's sale and after the distribution of such funds as herein set out and no person entitled to any such funds, whether or not a party to the suit, shall, within two years after such sale, appear and claim the funds, they shall [escheat to the state as provided by law] **be distributed to the appropriate taxing authorities.**

141.720. 1. The land trust shall be composed of three members, one of whom shall be appointed by the county, **as directed by the county** executive, or if the county does not have a county executive, **as directed by the county commission of the county**, one of whom shall be appointed by [the city council of that city] **that municipality** in the county which **is not an appointing authority under section 141.980** and then has the largest population according to the last preceding federal decennial census, and one of whom shall be appointed by [the board of directors of the] **that school district in the county which is not an appointing authority under section 141.980** and then has the largest population according to such census in the county. **If any such appointing authority fails to make any appointment of a land trustee after any term expires, then the appointment shall be made by the county.**

2. The terms of office of the land trustees shall be for four years each, except the terms of the first land trustees who shall be appointed by the foregoing appointing authorities, respectively, not sooner than twelve months and not later than eighteen months after sections 141.210 to 141.810 take effect; **provided, however, that the term of any land trustee appointed by a municipality or school district that becomes an appointing authority under section 141.980 shall thereupon terminate.**

3. Each land trustee shall have been a resident of the county for at least five years next prior to appointment, shall not hold other salaried or compensated public office by election or appointment during service as land trustee, the duties of which would in any way conflict with his duties as land trustee, and shall have had at least ten years experience in the management or sale of real estate.

4. Of the first land trustees appointed under sections 141.210 to 141.810, the land trustee appointed by the county commission shall serve for a term ending February 1, 1946, the land trustee appointed by the board of directors of the school district then having the largest population in the county shall serve for a term expiring February 1, 1947, and the land trustee appointed by the city council of the city then having the largest population in the county shall serve for a term expiring February 1, 1948. Each land trustee shall serve until his successor has been appointed and qualified.

5. Any vacancy in the office of land trustee shall be filled for the unexpired term by the same appointing authority which made the original appointment. If any appointing authority fails to make any appointment of a land trustee within the time the first appointments are required by sections 141.210 to 141.810 to be made, or within thirty days after any term expires or vacancy occurs, then the appointment shall be made by the mayor of that city in the county then having the largest population, according to the last preceding federal decennial census.

6. The members shall receive for their services as land trustees a salary of two thousand four hundred dollars per year.

7. Each land trustee may be removed for cause by the respective appointing authority, after public hearing, if requested by the land trustee, and an opportunity to be represented by counsel and to present evidence is afforded the trustee.

141.770. 1. Each annual budget of the land trust shall be itemized as to objects and purposes of expenditure, prepared not later than [December tenth] **October first** of each year with copies delivered to the [county and city] **taxing authorities** that appointed trustee members, and shall include therein only such appropriations as shall be deemed necessary to meet the reasonable expenses of the land trust during the forthcoming fiscal year. That budget shall not become the required annual budget of the land trust unless and until it has been approved by the governing bodies of the [county or city] **taxing authorities** that appointed trustee members. If [either] **any** of the governing bodies of the [county and city] **taxing authorities** that appointed trustee members fail to notify the land trust in writing of any objections to the proposed annual budget on or before [December] **November** twentieth, then such failure or failures to object shall be deemed approval. In the event objections have been made and a budget for the fiscal year beginning January first has not been approved by the governing bodies of the [county and city] **taxing authorities that appointed trustee members** on or before January first, then the budget for the previous fiscal year shall become the approved budget for that fiscal year. Any unexpended funds from the preceding fiscal year shall be deducted from the amounts needed to meet the budget requirements of the forthcoming year.

2. Copies of the budget shall be made available to the public on or before [December] **October** tenth, and a public hearing shall be had thereon prior to [December] **October** twentieth, in each year. The approved and adopted budget may be amended by the trustee members only with the approval of the governing bodies of the [county and city] **taxing authorities** that appointed trustee members.

3. If at any time there are not sufficient funds available to pay the salaries and other expenses of such land trust and of its employees, incident to the administration of sections 141.210 to 141.810, including any

expenditures authorized by section 141.760, funds sufficient to pay such expenses shall be advanced and paid to the land trust upon its requisition therefor **by the ad valorem taxing authorities in the county that are not appointing authorities under section 141.980, [fifty] seven percent thereof by the county commission of such county, and the other [fifty] ninety-three percent by all of the [municipalities in such county as defined in section 141.220] other such ad valorem taxing authorities, in proportion to their assessed valuations [at the time of their last completed assessment for state and county purposes] of the properties then in the land trust inventory located within their respective taxing jurisdictions.** The land trust shall have power to requisition such funds in an amount not to exceed twenty-five percent of the total annual budget of the land trust from such sources for that fiscal year of the land trust for which there are not sufficient funds otherwise available to pay the salaries and other expenses of the land trust, but any amount in excess of twenty-five percent of the total annual budget in any fiscal year may be requisitioned by and paid to the land trust only if such additional sums are agreed to and approved by [the county commission and the respective municipalities in such county so desiring to make such payment] **such ad valorem taxing authorities.** All moneys so requisitioned shall be paid in a lump sum within thirty days after such requisition or the commencement of the fiscal year of the land trust for which such requisition is made, whichever is later, [and] **by the county paying seven percent thereof due from the county under this section and advancing the remaining ninety-three percent due from other ad valorem taxing authorities under this section on behalf of such other ad valorem taxing authorities, and such amounts so paid** shall be deposited to the credit of the land trust in some bank or trust company, subject to withdrawal by warrant as herein provided. **Amounts advanced by the county on behalf of any ad valorem taxing authority under this section shall be reimbursed to the county upon demand by the county or by the county withholding such amounts from distributions of tax moneys to such ad valorem taxing authority.**

4. The fiscal year of the land trust shall commence on January first of each year. Such land trust shall audit all claims for the expenditure of money, and shall, acting by the chairman or vice chairman thereof, draw warrants therefor from time to time.

5. No warrant for the payment of any claim shall be drawn by such land trust until such claim shall have been approved by the land commissioner and shall bear the commissioner's certificate that there is a sufficient unencumbered balance in the proper appropriation and sufficient unexpended cash available for the payment thereof. For any certification contrary thereto, such land commissioner shall be liable personally and on the commissioner's official bond for the amounts so certified, and shall thereupon be promptly removed from office by the land trustees.

6. In addition to the annual audit provided for in section 141.760, the land trust may be performance audited at any time by the state auditor or by the auditor of any home rule city with more than four hundred thousand inhabitants and located in more than one county that is a member of the land trust. The cost of such audit shall be paid by the land trust, and copies shall be made available to the public within thirty days of the completion of the audit.

141.790. When any parcel of real estate is sold or otherwise disposed of by the land trust, the proceeds therefrom shall be applied and distributed in the following order:

(1) **To the payment of amounts due from the land trustees under subsection 2 of section 141.560 on the sale or other disposition of such parcel;**

(2) To the payment of the expenses of sale;

[(2)] (3) The balance to be retained by the land trust to pay the salaries and other expenses of such land trust and of its employees, incident to the administration of sections 141.210 to 141.810, including any expenditures authorized by section 141.760, as provided for in its annual budget;

[(3)] (4) Any funds in excess of those necessary to meet the expenses of the annual budget of the land trust in any fiscal year, and including a reasonable sum to carry over into the next fiscal year to assure that sufficient funds will be available to meet initial expenses for that next fiscal year, [may] **shall** be paid to the respective taxing authorities which, at the time of the distribution, are taxing the real property from which the proceeds are being distributed. The distributions shall be in proportion to the amounts of the taxes levied on the properties by the taxing authorities; distribution shall be made on January first and July first of each year, and at such other times as the land trustees in their discretion may determine.

141.980. 1. Any municipality located wholly or partially within a county in which a land trust created under section 141.700 was operating on January 1, 2011, may establish a land bank agency for the management, sale, transfer, and other disposition of interest in real estate owned by such land bank agency. Any such land bank agency created shall be created to foster the public purpose of returning land, including land that is in a nonrevenue-generating nontax-producing status, to effective use in order to provide housing, new industry, and jobs for citizens of the establishing municipality, and to create new revenues for such municipality. Such land bank agency shall be established by order or ordinance as applicable. Such land bank agency shall not own any interest in real estate that is located outside such establishing municipality or outside such county. Within one year of the effective date of an order or ordinance passed establishing such a land bank agency, title to any real estate held by the land trustees of the land trust of such county that is located within the establishing municipality shall be transferred by deed to such land bank agency.

2. Any land bank agency created under this section shall be known as “The Land Bank of the City of, Missouri”. Such land bank agency shall have the authority to accept the grant of any interest in real property made to it, or to accept gifts and grant in aid assistance. Any interest in real property acquired by such land bank agency by gift shall be administered in the same manner as other property sold to the land bank agency. Such land bank agency shall have and exercise all the powers that are conferred by sections 141.210 to 141.810 and sections 141.980 to 141.982 necessary and incidental to the effective management, sale, or other disposition of real estate acquired under and by virtue of the foreclosure of the lien for delinquent real estate taxes, as provided in such sections, and in the exercise of such powers, the land bank agency shall be deemed to be a public corporation acting in a governmental capacity.

3. The beneficiaries of the land bank agency shall be the taxing authorities that held or owned tax bills against the respective parcels of real estate acquired by such land bank agency under a deemed sale under subsection 3 of section 141.560 or by deed from land trustees under subsection 1 of this section included in the judgment of the court, and their respective interests in each parcel of real estate shall be to the extent and in the proportion and according to the priorities determined by the court on the basis that the principal amount of their respective tax bills bore to the total principal amount of all of the tax bills described in the judgment.

4. The land bank agency shall be composed of three members, two of whom shall be appointed by the establishing municipality, and the third shall be appointed by the school district that is wholly or partially located within such municipality and county and then has the largest population according

2. A land bank agency may convey title to any real estate sold or conveyed by it by general or special warranty deed, and may convey as absolute title in fee simple, without in any case procuring any consent, conveyance, or other instrument from the beneficiaries for which it acts, provided that each such deed shall recite whether the selling price represents a consideration equal to or in excess

of two-thirds of the appraised value of such real estate so sold or conveyed. If such selling price represents a consideration less than two-thirds of the appraised value of the real estate, then the land bank commissioners shall first procure the consent thereto of not less than two of the three appointing authorities, which consent shall be evidenced by a copy of the action of each such appointing authority duly certified to by its clerk or secretary attached to and made a part of land bank commission official minutes.

3. As a condition of the sale or other authorized conveyance of ownership of any unimproved parcel of land classified as residential property owned by the land bank agency to a private owner, unless the owner owns an adjacent improved parcel, such owner may be required to enter into a contract with the land bank agency stipulating that such owner or owner's successor agree that the parcel of land shall, within one year of such sale, either be improved by a nontemporary structure or returned to the land bank agency by special warranty deed. The contract shall further state that if the private owner fails to comply with the stipulation, the owner shall be liable to the land bank agency for damages at the rate of one hundred dollars per month accruing on the first day of each month after the termination of the one-year period so long as the private owner fails to convey the parcel to the land bank agency. The performance of such agreement shall be secured by a deed of trust or other lien encumbering the parcel. If the land bank agency finds by resolution that the terms of the agreement have not been satisfied, the land bank agency shall be authorized to bring suit to recover damages for the breach and to redeem the ownership of such property without consideration or compensation by seeking a judicial foreclosure of such agreement under sections 443.190 to 443.260, except that upon final judgment of the court, title shall revert to the land bank agency without necessity of sale. Notwithstanding subsection 2 of this section, the original deed conveying title to the private owner shall contain a possibility of reverter upon the condition that the private owner fails to comply with the terms of the contract, with a right of reentry retained by the land bank agency. As an alternative to, or in addition to, seeking a judicial foreclosure, the land bank agency may exercise the right of reentry under chapter 524, 527, or 534. The land bank agency shall assume title to the land by filing a copy of the judgment with the recorder of deeds in the county where the property is located. Any property redeemed by the land bank agency under the provisions of this section shall be administered in the same manner as other property sold to the land bank agency.

4. It shall be the duty of such land bank agency to administer the tax delinquent lands and other lands in its possession as provided in this section.

(1) The land bank agency shall immediately assume possession and control of all real estate acquired by it under the provisions of sections 141.210 to 141.810 and sections 141.980 to 141.982 or otherwise and proceed to inventory and appraise such land, and thereafter keep and maintain a perpetual inventory of such real estate, except that individual parcels may be consolidated and grouped or regrouped for economy, utility, or convenience.

(2) The land bank agency shall use reasonable efforts, consistent with the funding available, to market the property in its inventory, and will endeavor to obtain a purchase price consistent with the market conditions for that particular type of property in a similar location, however, the land bank agency may take into consideration factors that include: the costs expended either by it or the municipality in which the property is located to continue to maintain the property while it is held in inventory, the detrimental impact of vacant property on other properties within its vicinity, the proposed use of the property, and the advantage of returning the property to the tax rolls for the

benefit of all taxing authorities intended to benefit from proceeds generated by the land bank agency. The land bank agency shall maintain an inventory of the property held by it, and make it available to the public, through means that make the best use of its limited resources, including limiting accessibility through electronic means. The land bank agency shall systematically update its inventory information, no less than quarterly per year. The records from each transaction with respect to the transfer or exchange of property in the land bank agency's inventory shall be maintained, and provided upon request to any taxing authority intended to benefit from the proceeds of the land bank. A summary of all such transactions shall be prepared at least annually, and made publicly available upon request, and submitted with the budget request of such land bank as provided in subsection 6 of section 141.981.

(3) The land bank commissioners shall have power, and it shall be their duty, to manage, maintain, protect, rent, lease, repair, insure, alter, hold and return, assemble, sell, trade, acquire, exchange, or otherwise dispose of any such real estate, on such terms and conditions as may be determined in the sole discretion of the commissioners. The land bank commissioners may assemble tracts or parcels of real estate for public parks or any other purposes and to such end may exchange or acquire parcels, and otherwise effectuate such purposes by agreement with any taxing authority. Without limiting the foregoing power vested in the land bank commissioners to directly dispose of its inventory property, such commissioners may, but are not obligated to, enter into listing or commission agreements with real estate brokers licensed to do business within the city, and such commissioners.

(4) The land bank agency shall adopt rules and regulations in harmony with sections 141.210 to 141.810 and sections 141.980 to 141.982, and shall keep records of all its transactions, which records shall be open to inspection of any taxing authority in the city at any time. There shall be an annual audit of the affairs, accounts, expenses, and financial transactions of such land bank agency by certified public accountants as of April thirtieth of each year, which accountants shall be employed by the commissioners on or before March first of each year, and certified copies thereof shall be furnished to the appointing authorities described in section 141.980, and shall be available for public inspection at the office of the land bank agency and on the land bank agency's internet website, if it maintains a website. In addition to the annual audit provided for in this subdivision, the land bank agency may be performance audited at any time by the state auditor or by the auditor of the city that appoints members. The cost of such audit shall be paid by the land bank agency, and copies shall be made available to the public within thirty days of the completion of the audit.

5. The land bank commissioners may appoint a director and such other employees who are deemed necessary to carry out the responsibilities and duties imposed under sections 141.980 to 141.982, and may incur such other reasonable and proper costs and expenses as are related thereto. The director shall furnish a surety bond at the expense of the land bank agency in a penal sum of not less than ten thousand dollars, to be approved by the land bank commissioners, conditioned to guarantee the faithful performance of the director's duties. The bond shall be filed with the county clerk of the county. The director, who shall be a person experienced in the management and sale of real estate, shall be executive officer and administrator of the land bank agency, and shall manage all of its business, under the supervision, direction, and control of the land bank commissioners.

6. Each annual budget of the land bank agency shall be itemized as to objects and purposes of expenditure, prepared not later than December tenth of each year with copies delivered to the ad valorem taxing authorities that appointed members, and shall include therein only such

appropriations as shall be deemed necessary to meet the reasonable expenses of the land bank agency during the forthcoming fiscal year. That budget shall not become the required annual budget of the land bank agency unless and until it has been approved by the governing bodies of the ad valorem taxing authorities that appointed members. If either of the governing bodies of the ad valorem taxing authorities that appointed members fails to notify the land bank agency in writing of any objections to the proposed annual budget on or before December twentieth, then such failure or failures to object shall be deemed approved. In the event objections have been made and a budget for the fiscal year beginning May first has not been approved by the governing bodies of the ad valorem taxing authorities that appointed members on or before May first, then the budget for the previous fiscal year shall become the approved budget for that fiscal year. Any unexpended funds from the preceding fiscal year shall be deducted from the amounts needed to meet the budget requirements of the forthcoming year. Copies of the budget shall be made available to the public on or before December tenth, and a public hearing shall be had thereon before December twentieth, in each year. The approved and adopted budget may be amended by the land bank commissioners only with the approval of the governing bodies of the ad valorem taxing authorities that appointed members.

7. The fiscal year of the land bank agency shall commence on May first of each year. Such land bank agency shall audit all claims for the expenditure of money and shall, acting by the chair or vice chair thereof, draw warrants therefor from time to time.

8. No warrant for the payment of any claim shall be drawn by such land bank agency until such claim shall have been approved by the director and shall bear the director's certificate that there is a sufficient unencumbered balance in the proper appropriation and sufficient unexpended cash available for the payment thereof.

141.982. 1. Such land bank agency shall set up and maintain a perpetual inventory on each tract of its real estate, except that individual tracts may be consolidated and grouped or regrouped for economy or convenience.

2. When any parcel of real estate acquired by such land bank agency under a deemed sale under subsection 3 of section 141.560, by redemption under subsection 3 of section 141.981, by gift under subsection 2 of section 141.980, or by deed from land trustees under subsection 1 of section 141.980 is sold or otherwise disposed of by such land bank agency, the proceeds therefrom shall be applied and distributed in the following order:

(1) To the payment of the expenses of sale;

(2) The balance to be retained by the land bank agency to pay the salaries and other expenses of such land bank agency and of its employees, including any expenditures authorized by subsection 4 of section 141.981, as provided for in its annual budget;

(3) Any funds in excess of those necessary to meet the expenses of the annual budget of the land bank agency in any fiscal year and a reasonable sum to carry over into the next fiscal year to assure that sufficient funds will be available to meet initial expenses for that next fiscal year, exclusive of net profit from the sale of parcels acquired by the land bank agency under a private foreclosure sale, shall be paid to the respective taxing authorities that, at the time of the distribution, are taxing the real property from which the proceeds are being distributed.

The distributions shall be in proportion to the amounts of the taxes levied on the properties by the

taxing authorities. Distribution shall be made on January first and July first of each year, and at such other times as the land bank commissioners in their discretion may determine.

3. When any parcel of real estate acquired by such land bank agency under a private foreclosure sale is sold or otherwise disposed of by such land bank agency, the proceeds therefrom shall be applied and distributed in the following order:

(1) To the payment of all land taxes and related charges then due on such parcel, subject to subsection 5 of section 141.982;

(2) To the payment of the expenses of sale;

(3) The balance to be retained by the land bank agency to pay the salaries and other expenses of such land bank agency and of its employees, including any expenditures authorized by subsection 4 of section 141.981, as provided for in its annual budget;

(4) Any funds in excess of those necessary to meet the expenses of the annual budget of the land bank agency in any fiscal year and a reasonable sum to carry over into the next fiscal year to assure that sufficient funds will be available to meet initial expenses for that next fiscal year, shall be paid in accordance with subdivision (3) of subsection 2 of this section.

4. Upon acquiring title to any real estate under a deemed sale under subsection 3 of section 141.560, by redemption under subsection 3 of section 141.981, by gift under subsection 2 of section 141.980, or by deed from land trustees under subsection 1 of section 141.980, such land bank agency shall immediately notify the county assessor of such ownership, and the interests of each taxing authority therein shall be exempt from all taxation, in the same manner and to the same extent as any other publicly owned real estate, and upon the sale or other disposition of any real estate held by it, such land bank agency shall immediately notify the county assessor of such change of ownership.

5. Upon confirmation under section 141.580 of a sheriff's private foreclosure sale of a parcel of real estate to a land bank agency, the sheriff shall deliver a court administrator's deed for such parcel to the purchasing land bank agency and such land bank agency shall pay the full amount of all tax bills included in the judgment, interest, penalties, attorney's fees and costs then due thereon. Such parcel shall not be exempt from taxation; provided however, if all land taxes on such parcel are paid in full at the time of sale or other disposition of such parcel by the land bank agency or two years from the date of its acquisition by the land bank agency, whichever occurs first, then all interest and penalties that may have accrued thereon shall be abated.

6. Neither the land bank commissioners nor any salaried employee of the land bank agency provided for in sections 141.980 to 141.982 shall receive any compensation, emolument, or other profit directly or indirectly from the rental, management, purchase, sale, or other disposition of any lands held by such land bank agency other than the salaries, expenses, and emoluments provided for in sections 141.980 to 141.982; provided further that neither the land bank commissioners nor any salaried employee of the land bank agency provided for in sections 141.980 to 141.982 shall have any relationship with, or be employed by, or otherwise receive any form of compensation from, any contractor or developer who purchases property from the land bank agency. Any person convicted of violating this subsection shall be deemed guilty of a felony and upon conviction thereof shall be sentenced to serve not less than two nor more than five years in the state penitentiary." ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 24

Amend House Amendment No. 24 to House Committee Substitute for Senate Bill No. 145, Page 3, Line 16, by deleting all of said line and inserting in lieu thereof the following:

“term to which they were elected or appointed and until their successors are elected and qualified.

321.552. 1. Any ambulance or fire protection district may impose a sales tax as provided in this section, except in the following counties:

(1) Any county of the first classification with over two hundred thousand inhabitants[, or];

(2) Any county of the first classification [without a charter form of government and] with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants; [or]

(3) Any county of the first classification [without a charter form of government and] with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants; [or]

(4) Any county with a charter form of government with over one million inhabitants, **except as provided in subsection 9 of this section;** [or]

(5) Any county with a charter form of government with over two hundred eighty thousand inhabitants but less than three hundred thousand inhabitants[.].

2. The governing body of any ambulance or fire protection district may impose a sales tax in an amount up to one-half of one percent on all retail sales made in such ambulance or fire protection district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525 provided that such sales tax shall be accompanied by a reduction in the district’s tax rate as defined in section 137.073. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no sales tax imposed pursuant to the provisions of this section shall be effective unless the governing body of the ambulance or fire protection district submits to the voters of such ambulance or fire protection district, at a municipal or state general, primary or special election, a proposal to authorize the governing body of the ambulance or fire protection district to impose a tax pursuant to this section.

[2.] **3.** The ballot of submission shall contain, but need not be limited to, the following language:

Shall (insert name of ambulance or fire protection district) impose a sales tax of (insert amount up to one-half) of one percent for the purpose of providing revenues for the operation of the (insert name of ambulance or fire protection district) and the total property tax levy on properties in the (insert name of the ambulance or fire protection district) shall be reduced annually by an amount which reduces property tax revenues by an amount equal to fifty percent of the previous year’s revenue collected from this sales tax?

☐ YES

☐ NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”.

[3.] **4.** If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the sales tax authorized in this section shall be in effect and the governing body of the ambulance or fire protection district shall lower the level of its tax rate by an amount which reduces property tax revenues by an amount equal to fifty percent of the amount of sales tax collected in the preceding year.

If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the ambulance or fire protection district shall not impose the sales tax authorized in this section unless and until the governing body of such ambulance or fire protection district resubmits a proposal to authorize the governing body of the ambulance or fire protection district to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon.

[4.] **5.** All revenue received by a district from the tax authorized pursuant to this section shall be deposited in a special trust fund, and be used solely for the purposes specified in the proposal submitted pursuant to this section for so long as the tax shall remain in effect.

[5.] **6.** All sales taxes collected by the director of revenue pursuant to this section, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which is hereby created, to be known as the "Ambulance or Fire Protection District Sales Tax Trust Fund". The moneys in the ambulance or fire protection district sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust and the amount collected in each district imposing a sales tax pursuant to this section, and the records shall be open to inspection by officers of the county and to the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the governing body of the district which levied the tax; such funds shall be deposited with the board treasurer of each such district.

[6.] **7.** The director of revenue may make refunds from the amounts in the trust fund and credit any district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such district. If any district abolishes the tax, the district shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such district, the director of revenue shall remit the balance in the account to the district and close the account of that district. The director of revenue shall notify each district of each instance of any amount refunded or any check redeemed from receipts due the district.

[7.] **8.** Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed pursuant to this section.

9. Any fire protection district in any county with a charter form of government and with more than one million inhabitants with a general revenue operating budget of less than five million dollars to which section 72.418 applies may impose a sales tax as provided in this section."; "and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 24

Amend House Committee Substitute for Senate Bill No. 145, Section 67.319, Page 5, Line 53, by inserting the following after all of said Section and Line:

"67.1305. 1. As used in this section, the term "city" shall mean any incorporated city, town, or village.

2. In lieu of the sales taxes authorized under sections 67.1300 and 67.1303, the governing body of any

city or county may impose, by order or ordinance, a sales tax on all retail sales made in the city or county which are subject to sales tax under chapter 144. The tax authorized in this section shall not be more than one-half of one percent. The order or ordinance imposing the tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at any citywide, county or state general, primary or special election a proposal to authorize the governing body to impose a tax under this section. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The tax authorized in this section shall not be imposed by any city or county that has imposed a tax under section 67.1300 or 67.1303 unless the tax imposed under those sections has expired or been repealed.

3. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city or county) impose a sales tax at a rate of (insert rate of percent) percent for economic development purposes?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question, provided that no proposal shall be resubmitted to the voters sooner than twelve months from the date of the submission of the last proposal.

4. All sales taxes collected by the director of revenue under this section on behalf of any county or municipality, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which is hereby created, to be known as the "Local Option Economic Development Sales Tax Trust Fund".

5. The moneys in the local option economic development sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund and which was collected in each city or county imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the city or county and the public.

6. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city or county which levied the tax. Such funds shall be deposited with the county treasurer of each such county or the appropriate municipal officer in the case of a municipal tax, and all expenditures of funds arising from the local economic development sales tax trust fund shall be in accordance with this section.

7. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city or county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities and counties.

8. If any county or municipality abolishes the tax, the city or county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may

order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city or county, the director of revenue shall remit the balance in the account to the city or county and close the account of that city or county. The director of revenue shall notify each city or county of each instance of any amount refunded or any check redeemed from receipts due the city or county.

9. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed pursuant to this section.

10. (1) No revenue generated by the tax authorized in this section shall be used for any retail development project, except for the redevelopment of downtown areas and historic districts. Not more than twenty-five percent of the revenue generated shall be used annually for administrative purposes, including staff and facility costs.

(2) At least twenty percent of the revenue generated by the tax authorized in this section shall be used solely for projects directly related to long-term economic development preparation, including, but not limited to, the following:

- (a) Acquisition of land;
- (b) Installation of infrastructure for industrial or business parks;
- (c) Improvement of water and wastewater treatment capacity;
- (d) Extension of streets;
- (e) Public facilities directly related to economic development and job creation; and

(f) Providing matching dollars for state or federal grants relating to such long-term projects. (3) The remaining revenue generated by the tax authorized in this section may be used for, but shall not be limited to, the following:

- (a) Marketing;
- (b) Providing grants and loans to companies for job training, equipment acquisition, site development, and infrastructures;
- (c) Training programs to prepare workers for advanced technologies and high skill jobs;
- (d) Legal and accounting expenses directly associated with the economic development planning and preparation process;
- (e) Developing value-added and export opportunities for Missouri agricultural products.

11. All revenue generated by the tax shall be deposited in a special trust fund and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city or county funds.

12. (1) Any city or county imposing the tax authorized in this section shall establish an economic development tax board. The volunteer board shall receive no compensation or operating budget.

(2) The economic development tax board established by a city shall consist of five **or nine** members[.,].

The number of members of the board shall be designated in the order or ordinance imposing the sales tax authorized by this section, and are to be appointed as follows:

(a) For a five-member board:

a. One member shall be appointed by the school districts included within any economic development plan or area funded by the sales tax authorized in this section. Such member shall be appointed in any manner agreed upon by the affected districts;

[(b)] b. Three members shall be appointed by the chief elected officer of the city with the consent of the majority of the governing body of the city; **and**

[(c)] c. One member shall be appointed by the governing body of the county in which the city is located;

(b) For a nine-member board:

a. Two members shall be appointed by the school districts included within any economic development plan or area funded by the sales tax authorized in this section. Such members shall be appointed in any manner agreed upon by the affected districts;

b. Five members shall be appointed by the chief elected officer of the city with the consent of the majority of the governing body of the city; **and**

c. Two members shall be appointed by the governing body of the county in which the city is located.

(3) The economic development tax board established by a county shall consist of seven members, to be appointed as follows:

(a) One member shall be appointed by the school districts included within any economic development plan or area funded by the sales tax authorized in this section. Such member shall be appointed in any manner agreed upon by the affected districts;

(b) Four members shall be appointed by the governing body of the county; **and**

(c) Two members from the cities, towns, or villages within the county appointed in any manner agreed upon by the chief elected officers of the cities or villages.

Of the members initially appointed, three shall be designated to serve for terms of two years, and the remaining members shall be designated to serve for a term of four years from the date of such initial appointments. **If there are more than seven members initially appointed, the eighth and ninth members shall be designated to serve for terms of two years.** Thereafter, the members appointed shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments.

(4) If an economic development tax board established by a city is already in existence on August 28, 2011, any increase in the number of members of the board shall be designated in an order or ordinance. The sixth and seventh members shall be appointed to a term with an expiration coinciding with the expiration of the terms of the two board member positions that were originally appointed to terms of four years. The eighth and ninth members shall be appointed to a term with an expiration coinciding with the expiration of the terms of the three board member positions that were originally appointed to terms of two years. Thereafter, the additional members appointed shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were

the additional appointments.

13. The board, subject to approval of the governing body of the city or county, shall consider economic development plans, economic development projects, or designations of an economic development area, and shall hold public hearings and provide notice of any such hearings. The board shall vote on all proposed economic development plans, economic development projects, or designations of an economic development area, and amendments thereto, within thirty days following completion of the hearing on any such plan, project, or designation, and shall make recommendations to the governing body within ninety days of the hearing concerning the adoption of or amendment to economic development plans, economic development projects, or designations of an economic development area. The governing body of the city or county shall have the final determination on use and expenditure of any funds received from the tax imposed under this section.

14. The board may consider and recommend using funds received from the tax imposed under this section for plans, projects or area designations outside the boundaries of the city or county imposing the tax if, and only if:

(1) The city or county imposing the tax or the state receives significant economic benefit from the plan, project or area designation; and

(2) The board establishes an agreement with the governing bodies of all cities and counties in which the plan, project or area designation is located detailing the authority and responsibilities of each governing body with regard to the plan, project or area designation.

15. Notwithstanding any other provision of law to the contrary, the economic development sales tax imposed under this section when imposed within a special taxing district, including but not limited to a tax increment financing district, neighborhood improvement district, or community improvement district, shall be excluded from the calculation of revenues available to such districts, and no revenues from any sales tax imposed under this section shall be used for the purposes of any such district unless recommended by the economic development tax board established under this section and approved by the governing body imposing the tax.

16. The board and the governing body of the city or county imposing the tax shall report at least annually to the governing body of the city or county on the use of the funds provided under this section and on the progress of any plan, project, or designation adopted under this section and shall make such report available to the public.

17. Not later than the first day of March each year the board shall submit to the joint committee on economic development a report, not exceeding one page in length, which must include the following information for each project using the tax authorized under this section:

(1) A statement of its primary economic development goals;

(2) A statement of the total economic development sales tax revenues received during the immediately preceding calendar year;

(3) A statement of total expenditures during the preceding calendar year in each of the following categories:

(a) Infrastructure improvements;

(b) Land and or buildings;

(c) Machinery and equipment;

- (d) Job training investments;
- (e) Direct business incentives;
- (f) Marketing;
- (g) Administration and legal expenses; and
- (h) Other expenditures.

18. The governing body of any city or county that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city or county. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the city or county) repeal the sales tax imposed at a rate of (insert rate of percent) percent for economic development purposes?

☐ YES

☐ NO

If a majority of the votes cast on the proposal are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters of the city or county, and the repeal is approved by a majority of the qualified voters voting on the question.

19. Whenever the governing body of any city or county that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the city or county voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

20. If any provision of this section or section 67.1303 or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or application of this section or section 67.1303 which can be given effect without the invalid provision or application, and to this end the provisions of this section and section 67.1303 are declared severable.

[67.1305. 1. As used in this section, the term “city” shall mean any incorporated city, town, or village.

2. In lieu of the sales taxes authorized under sections 67.1300 and 67.1303, the governing body of any city or county may impose, by order or ordinance, a sales tax on all retail sales made in the city or county which are subject to sales tax under chapter 144. The tax authorized in this section shall not be more than one-half of one percent. The order or ordinance imposing the tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at any citywide, county, or state general, primary, or special election a proposal to authorize the governing body to impose a tax under this section. The tax authorized in this section shall be in

addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The tax authorized in this section shall not be imposed by any city or county that has imposed a tax under section 67.1300 or 67.1303 unless the tax imposed under those sections has expired or been repealed.

3. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city or county) impose a sales tax at a rate of
(insert rate of percent) percent for economic development purposes?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question, provided that no proposal shall be resubmitted to the voters sooner than twelve months from the date of the submission of the last proposal.

4. All sales taxes collected by the director of revenue under this section on behalf of any county or city or municipality, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which is hereby created, to be known as the "Local Option Economic Development Sales Tax Trust Fund".

5. The moneys in the local option economic development sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund and which was collected in each city or county imposing a sales tax under and pursuant to this section, and the records shall be open to the inspection of officers of the city or county and the public.

6. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city or county which levied the tax. Such funds shall be deposited with the county treasurer of each such county or the appropriate city or municipal officer in the case of a city or municipal tax, and all expenditures of funds arising from the local option economic development sales tax trust fund shall be in accordance with this section.

7. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city or county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities and counties.

8. If any county or city or municipality abolishes the tax, the city or county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city or county, the director of revenue

shall remit the balance in the account to the city or county and close the account of that city or county. The director of revenue shall notify each city or county of each instance of any amount refunded or any check redeemed from receipts due the city or county.

9. Except as modified in and by this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed pursuant to this section.

10. (1) No revenue generated by the tax authorized in this section shall be used for any retail development project, except for the redevelopment of downtown areas and historic districts. Not more than twenty-five percent of the revenue generated shall be used annually for administrative purposes, including staff and facility costs.

(2) At least twenty percent of the revenue generated by the tax authorized in this section shall be used solely for projects directly related to long-term economic development preparation, including, but not limited to, the following:

- (a) Acquisition of land;
- (b) Installation of infrastructure for industrial or business parks;
- (c) Improvement of water and wastewater treatment capacity;
- (d) Extension of streets;
- (e) Public facilities directly related to economic development and job creation; and
- (f) Providing matching dollars for state or federal grants relating to such long-term projects.

(3) The remaining revenue generated by the tax authorized in this section may be used for, but shall not be limited to, the following:

- (a) Marketing;
- (b) Providing grants and loans to companies for job training, equipment acquisition, site development, and infrastructures;
- (c) Training programs to prepare workers for advanced technologies and high skill jobs;
- (d) Legal and accounting expenses directly associated with the economic development planning and preparation process; and
- (e) Developing value-added and export opportunities for Missouri agricultural products.

11. All revenue generated by the tax shall be deposited in a special trust fund and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city or county funds.

12. (1) Any city or county imposing the tax authorized in this section shall establish an economic development tax board. The volunteer board shall receive no compensation or operating budget.

(2) The economic development tax board established by a city shall consist of five members, to be appointed as follows:

- (a) One member shall be appointed by the school districts included within any economic

development plan or area funded by the sales tax authorized in this section. Such member shall be appointed in any manner agreed upon by the affected districts;

(b) Three members shall be appointed by the chief elected officer of the city with the consent of the majority of the governing body of the city; and

(c) One member shall be appointed by the governing body of the county in which the city is located.

(3) The economic development tax board established by a county shall consist of seven members, to be appointed as follows:

(a) One member shall be appointed by the school districts included within any economic development plan or area funded by the sales tax authorized in this section. Such member shall be appointed in any manner agreed upon by the affected districts;

(b) Four members shall be appointed by the governing body of the county; and

(c) Two members from the cities, towns, or villages within the county appointed in any manner agreed upon by the chief elected officers of the cities, towns or villages. Of the members initially appointed, three shall be designated to serve for terms of two years, and the remaining members shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments.

13. The board, subject to approval of the governing body of the city or county, shall consider economic development plans, economic development projects, or designations of an economic development area, and shall hold public hearings and provide notice of any such hearings. The board shall vote on all proposed economic development plans, economic development projects, or designations of an economic development area, and amendments thereto, within thirty days following completion of the hearing on any such plan, project, or designation, and shall make recommendations to the governing body within ninety days of the hearing concerning the adoption of or amendment to economic development plans, economic development projects, or designations of an economic development area. The governing body of the city or county shall have the final determination on use and expenditure of any funds received from the tax imposed under this section.

14. The board may consider and recommend using funds received from the tax imposed under this section for plans, projects, or area designations outside the boundaries of the city or county imposing the tax if, and only if:

(1) The city or county imposing the tax or the state receives significant economic benefit from the plan, project, or area designation; and

(2) The board establishes an agreement with the governing bodies of all cities and counties in which the plan, project, or area designation is located detailing the authority and responsibilities of each governing body with regard to the plan, project, or area designation.

15. Notwithstanding any other provision of law to the contrary, the local option economic development sales tax imposed under this section when imposed within a special taxing district, including but not limited to a tax increment financing district, neighborhood improvement district, or community improvement district, shall be excluded from the calculation of revenues available to such districts, and no revenues from any sales tax imposed under this section shall be used for the

purposes of any such district unless recommended by the economic development tax board established under this section and approved by the governing body imposing the tax.

16. The board and the governing body of the city or county imposing the tax shall report at least annually to the governing body of the city or county on the use of the funds provided under this section and on the progress of any plan, project, or designation adopted under this section and shall make such report available to the public.

17. Not later than the first day of March each year the department of economic development shall submit to the joint committee on economic development a report which shall include the following information for each project using the tax authorized under this section:

- (1) A statement of its primary economic development goals;
- (2) A statement of the total economic development sales tax revenues received during the immediately preceding calendar year; and
- (3) A statement of total expenditures during the preceding calendar year in each of the following categories:
 - (a) Infrastructure improvements;
 - (b) Land and or buildings, or both;
 - (c) Machinery and equipment;
 - (d) Job training investments;
 - (e) Direct business incentives;
 - (f) Marketing;
 - (g) Administration and legal expenses; and
 - (h) Other expenditures.

18. The governing body of any city or county that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city or county. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the city or county) repeal the sales tax imposed at a rate of (insert rate of percent) percent for economic development purposes?

☐ YES

☐ NO

If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters of the city or county, and the repeal is approved by a majority of the qualified voters voting on the question.

19. If any provision of this section or section 67.1303 or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or application of this section or section 67.1303 which can be given effect without the invalid provision or application,

and to this end the provisions of this section and section 67.1303 are declared severable.]"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 25

Amend House Committee Substitute for Senate Bill No. 145, Page 5, Section 67.319, Line 53, by inserting after all of said section and line, the following:

"70.660. 1. Except as otherwise provided herein, before the date the first payment of a person's allowance becomes due but not thereafter, a person about to become a retirant may elect to receive his or her allowance for life with or without a partial lump-sum distribution, as provided in this subsection. A person about to become a retirant may elect to receive a partial lump-sum distribution equal to twenty-four times the amount of his or her monthly allowance for life, not including any monthly temporary allowance which may be payable. Such lump sum shall be paid to the retirant, upon written application to the board, not fewer than ninety days nor more than one hundred fifty days after the date the first payment of his or her monthly allowance becomes due. The retirant's monthly life allowance shall be reduced to eighty-four percent if the retirant's age at the time of retirement is sixty, which percent shall be decreased by four-tenths of one percent for each year the retirant's age at the time of retirement is greater than sixty, or which percent shall be increased by four-tenths of one percent for each year the retirant's age at the time of retirement is less than sixty, **up to a maximum of ninety percent**. The reductions in monthly life allowance in this subsection shall be calculated and applied before any reductions under subsection 2 of this section are calculated and applied.

2. Before the date the first payment of a person's allowance becomes due but not thereafter, a person about to become a retirant may elect to have his or her allowance for life reduced but not any temporary allowance which may be payable, and nominate a beneficiary, as provided by option A, B, C, or D set forth below:

(1) Option A. Under option A, a retirant's allowance payable to the retirant shall be reduced to a certain percent of the allowance otherwise payable to the retirant. If such first payment due date is on or after October 1, 1998, such percent shall be eighty-five percent if the retirant's age and the retirant's beneficiary's age are the same on such first due date, which shall be decreased by three-quarters of one percent for each year that the beneficiary's age is less than the retirant's age, or which shall be increased by three-quarters of one percent, up to a maximum of ninety percent, for each year that the beneficiary's age is more than the retirant's age. Upon the retirant's death three-quarters of the retirant's reduced allowance to which the retirant would have been entitled had the retirant lived shall be paid to his or her surviving beneficiary, nominated before such first payment due date but not thereafter, who was the retirant's spouse for not less than the two years immediately preceding such first payment due date, or another person aged forty years or older receiving more than one-half support from the retirant for not less than the two years immediately preceding such first payment due date.

(2) Option B. Under option B, a retirant's allowance payable to the retirant shall be reduced to a certain percent of the allowance otherwise payable to the retirant. If such first payment due date is on or after October 1, 1998, such percent shall be ninety percent if the retirant's age and the retirant's beneficiary's age are the same on such first payment due date, which shall be decreased by one-half of one percent for each year that the beneficiary's age is less than the retirant's age, or which shall be increased by one-half of one percent, up to a maximum of ninety-five percent for each year that the beneficiary's age is more than the retirant's age. Upon the retirant's death one-half of his or her reduced allowance to which the retirant would

have been entitled had the retirant lived shall be paid to the retirant's surviving beneficiary, nominated before such first payment due date but not thereafter, who was either the retirant's spouse for not less than the two years immediately preceding such first payment due date, or another person aged forty years or older receiving more than one-half support from the retirant for not less than the two years immediately preceding such first payment due date.

(3) Option C. Under option C, a retirant's allowance payable to the retirant shall be reduced to ninety-five percent of the allowance otherwise payable to the retirant if such first payment due date is on or after October 1, 1998. If the retirant dies before having received one hundred twenty monthly payments of his or her reduced allowance, his or her reduced allowance to which the retirant would have been entitled had the retirant lived shall be paid for the remainder of the one hundred twenty months' period to such person as the retirant shall have nominated by written designation duly executed and filed with the board. If there is no such beneficiary surviving the retirant, the reserve for such allowance for the remainder of such one hundred twenty months' period shall be paid to the retirant's estate.

(4) Option D. Some other option approved by the board which shall be the actuarial equivalent of the allowance to which the member is entitled under this system.

3. The death of the beneficiary designated under option A or B of subsection 2 of this section before the death of the retirant after retirement shall, upon written notification to the system of the death of the beneficiary, cancel any optional plan elected at retirement to provide continuing lifetime benefits to the beneficiary and shall return the retirant to his or her single lifetime benefit equivalent, to be effective the month following receipt of the written notification of the death of the beneficiary by the system.

4. If a member fails to elect a benefit option under subsection 2 of this section, his or her allowance for life shall be paid to the member as a single lifetime benefit.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 26

Amend House Committee Substitute for Senate Bill No. 145, Page 5, Section 67.319, Line 53, by inserting after all of said section and line, the following:

“256.400. As used in sections 71.287 and 256.400 to [256.430] **256.433**, unless the context clearly indicates otherwise, the following terms mean:

(1) “Department”, the department of natural resources;

(2) “Director”, the director of the department of natural resources;

(3) “Division”, the division of geology and land survey of the department of natural resources;

(4) “Major water user”, any person, firm, corporation or the state of Missouri, its agencies or corporations and any other political subdivision of this state, their agencies or corporations, with a water source and equipment necessary to withdraw or divert one hundred thousand gallons or more per day from any stream, river, lake, well, spring or other water source;

(5) “State geologist”, the director of the division of geology and land survey of the department of natural resources;

(6) “Water source”, any stream, river, lake, well, spring or other water source.

256.433. Notwithstanding any provision of law to the contrary, no major water user shall convey water withdrawn or diverted from within the Southeast Missouri Regional Water District created under section 256.643 when such withdrawal or diversion and subsequent conveyance to a location outside such district unduly interferes with the reasonable and customary activities of a major water user registered under section 256.410 located within said district. If such conveyance occurs, the attorney general or the party or parties affected may file an action for an injunction, however, in no case shall an injunction be issued if the injunction would be detrimental to public health or safety.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 27

Amend House Amendment No. 27 to House Committee Substitute for Senate Bill No. 145, Page 5, Section 238.235, Line 34, by inserting immediately after said line the following:

“Further amend said bill, Page 5, Section 67.319, Line 53, by inserting immediately after said line the following:

“304.120. 1. Municipalities, by ordinance, may establish reasonable speed regulations for motor vehicles within the limits of such municipalities. No person who is not a resident of such municipality and who has not been within the limits thereof for a continuous period of more than forty-eight hours, shall be convicted of a violation of such ordinances, unless it is shown by competent evidence that there was posted at the place where the boundary of such municipality joins or crosses any highway a sign displaying in black letters not less than four inches high and one inch wide on a white background the speed fixed by such municipality so that such sign may be clearly seen by operators and drivers from their vehicles upon entering such municipality.

2. Municipalities, by ordinance, may:

- (1) Make additional rules of the road or traffic regulations to meet their needs and traffic conditions;
- (2) Establish one-way streets and provide for the regulation of vehicles thereon;
- (3) Require vehicles to stop before crossing certain designated streets and boulevards;

(4) Limit the use of certain designated streets and boulevards to passenger vehicles, **except that each municipality shall allow at least one street, with lawful traffic movement and access from both directions, to be available for use by commercial vehicles to access any roads in the state highway system. Under no circumstances shall the provisions of this subdivision be construed to authorize municipalities to limit the use of all streets in the municipality;**

(5) Prohibit the use of certain designated streets to vehicles with metal tires, or solid rubber tires;

(6) Regulate the parking of vehicles on streets by the installation of parking meters for limiting the time of parking and exacting a fee therefor or by the adoption of any other regulatory method that is reasonable and practical, and prohibit or control left-hand turns of vehicles;

(7) Require the use of signaling devices on all motor vehicles; and

(8) Prohibit sound producing warning devices, except horns directed forward.

3. No ordinance shall be valid which contains provisions contrary to or in conflict with this chapter,

except as herein provided.

4. No ordinance shall impose liability on the owner-lessor of a motor vehicle when the vehicle is being permissively used by a lessee and is illegally parked or operated if the registered owner-lessor of such vehicle furnishes the name, address and operator's license number of the person renting or leasing the vehicle at the time the violation occurred to the proper municipal authority within three working days from the time of receipt of written request for such information. Any registered owner-lessor who fails or refuses to provide such information within the period required by this subsection shall be liable for the imposition of any fine established by municipal ordinance for the violation. Provided, however, if a leased motor vehicle is illegally parked due to a defect in such vehicle, which renders it inoperable, not caused by the fault or neglect of the lessee, then the lessor shall be liable on any violation for illegal parking of such vehicle.

5. No ordinance shall deny the use of commercial vehicles on all streets within the municipality.

444.771. Notwithstanding any other provision of law to the contrary, the commission and the department shall not issue any permits under this chapter or under chapters 643 or 644, RSMo, to any person whose mine plan boundary is within 1,000 feet of any real property where an accredited school has been located for at least five years prior to such application for permits made pursuant to these provisions, except that the provisions of this section shall not apply to any request for an expansion to an existing mine and/or to any underground mining operation.”; and

Further amend said bill, Page 6, Section 488.026, Line 12, by inserting immediately after said line the following:

537.293. 1. Notwithstanding any other provision of law, the use of vehicles on a public street or highway in a manner which is legal under state and local law shall not constitute a public or private nuisance, and shall not be the basis of a civil action for public or private nuisance.

2. No individual or business entity shall be subject to any civil action in law or equity for a public or private nuisance on the basis of such individual or business entity legally using vehicles on a public street or highway. Any actions by a court in this state to enjoin the use of a public street or highway in violation of this section and any damages awarded or imposed by a court, or assessed by a jury, against an individual or business entity for public or private nuisance in violation of this section shall be null and void.

3. Notwithstanding any other provision of law, nothing in this section shall be construed to limit civil liability for compensatory damages arising from physical injury to another human being.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 27

Amend House Committee Substitute for Senate Bill No. 145, Page 5, Section 67.319, Line 53, by inserting after all of said line the following:

“67.1956. 1. In each tourism community enhancement district established pursuant to section 67.1953, there shall be a board of directors, to consist of seven members. Three members shall be selected by the governing body of the city, town or village located within the district that collected the largest amount of retail sales tax within the district in the year preceding the establishment of the district. Two members shall be selected by the governing body of the city, town or village, located within the district, that collected the

second largest amount of retail sales tax within the district in the year preceding the establishment of the district, if such a city, town or village exists in the district. If no such city, town or village exists in the district then two additional members shall be selected by the governing body of the city, town, or village located within the district that collected the largest amount of retail sales tax within the district in the year preceding the establishment of the district. One member shall be selected by the governing body of the county located within the district that collected the largest amount of retail sales tax within the district in the year preceding the establishment of the district. One member shall be selected by the governing body of the county located within the district that collected the second largest amount of retail sales tax within the district in the year preceding the establishment of the district.

2. Of the members first selected, the three members [from] **selected by** the city, town or village located within the district that collected the largest amount of retail sales tax within the district in the year preceding the establishment of the district shall be selected for a term of three years, the two members [from] **selected by** the city, town, or village located within the district that collected the second largest amount of retail sales tax within the district in the year preceding the establishment of the district shall be selected for a term of two years, and the remaining members shall be selected for a term of one year. Thereafter, each member selected shall serve a three-year term. **Except in any city of the fourth classification with more than two thousand nine hundred but fewer than three thousand inhabitants and located in any county of the first classification with more than seventy-three thousand seven hundred but fewer than seventy-three thousand eight hundred inhabitants**, every member shall be either a resident of the district, own real property within the district, be employed by a business within the district, or operate a business within the district. All members shall serve without compensation. The board shall elect its own treasurer, secretary and such other officers as it deems necessary and expedient, and it may make such rules, regulations, and bylaws to carry out its duties pursuant to sections 67.1950 to 67.1977.

3. Any vacancy within the board shall be filled in the same manner as the person who vacated the position was selected within sixty days of the vacancy occurring, with the new person serving the remainder of the term of the person who vacated the position. In the event that a person is not so selected within sixty days of the vacancy occurring, the remaining members of the board shall select a person to serve the remainder of the term of the person who vacated the position.

4. If a tourism community enhancement district is already in existence on August 28, 2005, the one additional board member shall be appointed by the governing body of the city, town, or village located within the district that collected the largest amount of retail sales tax within the district in the year preceding the establishment of the district for a one-year term and the other additional board member shall be appointed by the governing body of the county located within the district that collected the second largest amount of retail sales tax within the district in the year preceding the establishment of the district for a two-year term, thereafter all board members shall serve three-year terms. The existing board members shall serve out their terms with the provisions of this section controlling the appointment of successor board members, with first and second **existing** board [existing] positions to expire to be appointed by the governing body of the city, town, or village located within the district that collected the largest amount of retail sales tax within the district in the year preceding the establishment of the district, the third and fourth existing board positions to expire to be appointed by the governing body of the city, town, or village located within the district that collected the second largest amount of retail sales tax within the district in the year preceding the establishment of the district and the fifth existing board position to expire to be appointed by the governing body of the county located within the district that collected the largest amount of retail sales

tax within the district in the year preceding the establishment of the district.

5. The board, on behalf of the district, may:

- (1) Cooperate with public agencies and with any industry or business in the implementation of any project;
- (2) Enter into any agreement with any public agency, person, firm, or corporation to implement any of the provisions of sections 67.1950 to 67.1977;
- (3) Contract and be contracted with, and sue and be sued; and
- (4) Accept gifts, grants, loans, or contributions from the United States of America, the state, any political subdivision, foundation, other public or private agency, individual, partnership or corporation on behalf of the tourism enhancement district community.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 28

Amend House Committee Substitute for Senate Bill No. 145, Page 7, Section 1, Line 54, by inserting after all of said section and line, the following:

“Section 2. 1. There is hereby created a twelve-member interim committee to study and review the issue of consolidating all of the fire protection districts and fire departments in any county with a charter form of government and with more than one million inhabitants into at least one but not more than seven consolidated fire protection districts. In studying this issue the committee may solicit input and information necessary to fulfill its obligations, including but not limited to soliciting input and information from the state department of public safety, and the fire protection districts, fire departments, ambulance districts, and any other special districts or political subdivisions within the county or bordering the county, as well as professional groups or association representing fire fighters, and the general public. The committee shall prepare a final report, together with its recommendations for any legislative action deemed necessary for submission to the general assembly by December 31, 2011.

2. The committee shall consist of twelve members as follows:

- (1) Two members of the house of representatives appointed by the speaker, who shall be from different political parties;**
- (2) Two member of the senate appointed by the president pro tem, who shall be from different political parties;**
- (3) A member of the governing body of any county with a charter form of government and with more than one million inhabitants, appointed by the county executive;**
- (4) The president of the board of directors of the county municipal league in any county with a charter form of government and with more than one million inhabitants, or the president’s designee;**
- (5) A representative from the international association of fire fighters;**
- (6) A chief of a fire protection district within any county with a charter form of government and with more than one million inhabitants, or the chief’s designee, appointed by majority vote of the governing body of the county;**

(7) A chief of a municipal fire department within any county with a charter form of government and with more than one million inhabitants, or the chief's designee, appointed by a majority vote of the governing body of the county;

(8) A representative of the insurance industry, appointed by the governor, with the advice and consent of the senate;

(9) A member of the general public residing within any county with a charter form of government and with more than one million inhabitants, appointed by the governor, with the advice and consent of the senate; and

(10) An outside consultant with experience regarding consolidation issues, appointed by the governor, with the advice and consent of the senate.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 29

Amend House Committee Substitute for Senate Bill No. 145, Page 5, Section 67.319, Line 53, by inserting after all of said line the following:

“67.451. Any city in which voters have approved fees to recover costs associated with enforcement of municipal housing, property maintenance, or nuisance ordinances may issue a special tax bill against the property where such ordinance violations existed. The officer in charge of finance shall cause the amount of unrecovered costs to be included in a special tax bill or added to the annual real estate tax bill for the property at the collecting official’s option, and the costs shall be collected by the city collector or other official collecting taxes in the same manner and procedure for collecting real estate taxes. If the cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by laws governing delinquent and back taxes. The tax bill shall be deemed a personal debt against the owner from the date of issuance, and shall also be a lien on the property until paid. Notwithstanding any provision of the city’s charter to the contrary, the city may provide, by ordinance, that the city may discharge the special tax bill upon a determination by the city that a public benefit will be gained by such discharge, and such discharge shall include any costs of tax collection, accrued interest, or attorney fees related to the special tax bill.”; and

Further amend said bill, Page 5, Section 475.115, Line 15, by inserting after all of said line the following:

“479.011. 1. (1) The following cities may establish an administrative adjudication system under this section:

(a) Any city not within a county [or];

(b) Any home rule city with more than four hundred thousand inhabitants and located in more than one county;

(c) Any home rule city with more than seventy-three thousand but fewer than seventy-five thousand inhabitants.

(2) The cities listed in subdivision (1) of this subsection may establish, by order or ordinance, an administrative system for adjudicating housing, property maintenance, nuisance, parking, and other civil, nonmoving municipal code violations consistent with applicable state law. Such administrative adjudication

system shall be subject to practice, procedure, and pleading rules established by the state supreme court, circuit court, or municipal court. This section shall not be construed to affect the validity of other administrative adjudication systems authorized by state law and created before August 28, 2004.

2. The order or ordinance creating the administrative adjudication system shall designate the administrative tribunal and its jurisdiction, including the code violations to be reviewed. The administrative tribunal may operate under the supervision of the municipal court, parking commission, or other entity designated by order or ordinance and in a manner consistent with state law. The administrative tribunal shall adopt policies and procedures for administrative hearings, and filing and notification requirements for appeals to the municipal or circuit court, subject to the approval of the municipal or circuit court.

3. The administrative adjudication process authorized in this section shall ensure a fair and impartial review of contested municipal code violations, and shall afford the parties due process of law. The formal rules of evidence shall not apply in any administrative review or hearing authorized in this section. Evidence, including hearsay, may be admitted only if it is the type of evidence commonly relied upon by reasonably prudent persons in the conduct of their affairs. The code violation notice, property record, and related documentation in the proper form, or a copy thereof, shall be prima facie evidence of the municipal code violation. The officer who issued the code violation citation need not be present.

4. An administrative tribunal may not impose incarceration or any fine in excess of the amount allowed by law. Any sanction, fine or costs, or part of any fine, other sanction, or costs, remaining unpaid after the exhaustion of, or the failure to exhaust, judicial review procedures under chapter 536 shall be a debt due and owing the city, and may be collected in accordance with applicable law.

5. Any final decision or disposition of a code violation by an administrative tribunal shall constitute a final determination for purposes of judicial review. Such determination is subject to review under chapter 536 or, at the request of the defendant made within ten days, a trial de novo in the circuit court. After expiration of the judicial review period under chapter 536, unless stayed by a court of competent jurisdiction, the administrative tribunal's decisions, findings, rules, and orders may be enforced in the same manner as a judgment entered by a court of competent jurisdiction. Upon being recorded in the manner required by state law or the uniform commercial code, a lien may be imposed on the real or personal property of any defendant entering a plea of nolo contendere, pleading guilty to, or found guilty of a municipal code violation in the amount of any debt due the city under this section and enforced in the same manner as a judgment lien under a judgment of a court of competent jurisdiction. **The city may also issue a special tax bill to collect fines issued for housing, property maintenance, and nuisance code violations.**"; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 4** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 4**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 5** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 5**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 6** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 6**.

PRIVILEGED MOTIONS

Senator Schaefer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Kurt Schaefer
/s/ Scott T. Rupp
/s/ David Pearce
/s/ Timothy P. Green
/s/ Shalonn K. Curls

FOR THE HOUSE:

/s/ Ryan Silvey
/s/ Rick Stream
/s/ Tom Flanigan
/s/ Sara Lampe
/s/ Jamilah Nasheed

Senator Schaefer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Justus	Keaveny	Lager	Lamping	Lembke	Mayer	McKenna
Munzlinger	Parson	Pearce	Richard	Ridgeway	Rupp	Schaaf	Schaefer
Schmitt	Stouffer	Wasson	Wright-Jones—28				

NAYS—Senators

Crowell	Kraus	Purgason—3
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Absent—Senators

Kehoe Nieves—2

Absent with leave—Senator Green—1

Vacancies—None

On motion of Senator Schaefer, **CCS** for **SCS** for **HCS** for **HB 2**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2011 and ending June 30, 2012; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Justus	Keaveny	Kehoe	Lager	Lamping	Lembke	Mayer
McKenna	Munzlinger	Parson	Pearce	Richard	Ridgeway	Rupp	Schaaf
Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—29			

NAYS—Senators

Crowell	Kraus	Nieves	Purgason—4
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Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Senator Schaefer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 3** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 3

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 3.
2. That the House recede from its position on House Committee Substitute for House Bill No. 3.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 3, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Kurt Schaefer

/s/ Scott T. Rupp

/s/ David Pearce

/s/ Timothy P. Green

/s/ Shalonn K. Curls

FOR THE HOUSE:

/s/ Ryan Silvey

/s/ Rick Stream

/s/ Tom Flanigan

/s/ Sara Lampe

/s/ Chris Kelly

Senator Schaefer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Justus	Keaveny	Kehoe	Lager	Lamping	Mayer	McKenna
Munzlinger	Nieves	Parson	Pearce	Richard	Ridgeway	Rupp	Schaefer
Schmitt	Stouffer	Wasson	Wright-Jones—28				

NAYS—Senators

Crowell	Kraus	Lembke	Purgason	Schaaf—5
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Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

On motion of Senator Schaefer, **CCS** for **SCS** for **HCS** for **HB 3**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 3

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of

Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2011 and ending June 30, 2012; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Justus	Keaveny	Kehoe	Lager	Lamping	Mayer	McKenna
Munzlinger	Nieves	Parson	Pearce	Richard	Ridgeway	Rupp	Schaefer
Schmitt	Stouffer	Wasson	Wright-Jones—28				

NAYS—Senators

Crowell	Kraus	Lembke	Purgason	Schaaf—5
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Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Senator Schmitt assumed the Chair.

Senator Schaefer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 4** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 4

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 4, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 4.
2. That the House recede from its position on House Committee Substitute for House Bill No. 4.

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 4, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Kurt Schaefer

/s/ Scott T. Rupp

/s/ David Pearce

/s/ Timothy P. Green

/s/ Shalonn K. Curls

FOR THE HOUSE:

/s/ Ryan Silvey

/s/ Rick Stream

/s/ Tom Flanigan

/s/ Sara Lampe

/s/ Chris Kelly

Senator Schaefer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Justus	Keaveny	Kehoe	Lager	Lamping	Mayer	McKenna
Munzlinger	Parson	Pearce	Richard	Ridgeway	Rupp	Schaefer	Schmitt
Stouffer	Wasson	Wright-Jones—27					

NAYS—Senators

Crowell	Kraus	Lembke	Nieves	Purgason	Schaaf—6		
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Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

On motion of Senator Schaefer, **CCS** for **SCS** for **HCS** for **HB 4**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 4

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, Department of Transportation and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2011 and ending June 30, 2012; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Justus	Keaveny	Kehoe	Lager	Lamping	Mayer	McKenna
Munzlinger	Parson	Pearce	Richard	Ridgeway	Rupp	Schaefer	Schmitt

Stouffer Wasson Wright-Jones—27

NAYS—Senators

Crowell Kraus Lembke Nieves Schaaf—5

Absent—Senator Purgason—1

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Senator Schaefer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 5** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 5

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 5, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 5.
2. That the House recede from its position on House Committee Substitute for House Bill No. 5.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 5, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Kurt Schaefer

/s/ Scott T. Rupp

/s/ David Pearce

/s/ Timothy P. Green

/s/ Shalonn K. Curls

FOR THE HOUSE:

/s/ Ryan Silvey

/s/ Rick Stream

/s/ Tom Flanigan

/s/ Sara Lampe

/s/ Chris Kelly

Senator Schaefer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Justus	Keaveny	Kehoe	Lager	Lamping	Mayer	McKenna
Munzlinger	Parson	Pearce	Richard	Ridgeway	Rupp	Schaefer	Schmitt
Stouffer	Wasson	Wright-Jones—27					

NAYS—Senators

Crowell	Kraus	Lembke	Nieves	Purgason	Schaaf—6		
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Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

On motion of Senator Schaefer, **CCS** for **SCS** for **HCS** for **HB 5**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 5

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Conservation, the Department of Public Safety, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2011 and ending June 30, 2012; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Justus	Keaveny	Kehoe	Lager	Mayer	McKenna	Munzlinger
Parson	Pearce	Richard	Ridgeway	Rupp	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—26						

NAYS—Senators

Crowell	Kraus	Lembke	Nieves	Purgason	Schaaf—6		
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Absent—Senator Lamping—1

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Senator Schaefer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 6** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 6

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 6, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 6.
2. That the House recede from its position on House Committee Substitute for House Bill No. 6.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 6, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Kurt Schaefer

/s/ Scott T. Rupp

/s/ David Pearce

/s/ Timothy P. Green

/s/ Shalonn K. Curls

FOR THE HOUSE:

/s/ Ryan Silvey

/s/ Rick Stream

/s/ Tom Flanigan

/s/ Sara Lampe

/s/ Chris Kelly

Senator Schaefer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Curls	Dempsey	Dixon	Engler	Goodman
Justus	Keaveny	Kehoe	Lager	Lamping	Mayer	McKenna	Munzlinger
Parson	Pearce	Richard	Ridgeway	Rupp	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—26						

NAYS—Senators

Crowell	Cunningham	Kraus	Lembke	Nieves	Purgason	Schaaf—7
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Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

On motion of Senator Schaefer, **CCS** for **SCS** for **HCS** for **HB 6**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 6

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2011 and ending June 30, 2012; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Justus	Keaveny	Kehoe	Lager	Lamping	Mayer	McKenna
Munzlinger	Parson	Pearce	Richard	Ridgeway	Rupp	Schaefer	Schmitt
Stouffer	Wasson	Wright-Jones—27					

NAYS—Senators

Crowell	Kraus	Lembke	Nieves	Schaaf—5
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Absent—Senator Purgason—1

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 7**, as amended, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 7**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 8** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 8**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 9** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 9**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 10** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 10**.

PRIVILEGED MOTIONS

Senator Schaefer, on behalf of the conference committee appointed to act with a like committee from the House on **CCR** for **SCS** for **HCS** for **HB 7**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 7

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 7 as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 7 as amended.
2. That the House recede from its position on House Committee Substitute for House Bill No. 7.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 7, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Kurt Schaefer

/s/ Scott T. Rupp

/s/ David Pearce

/s/ Timothy P. Green

/s/ Shalonn K. Curls

FOR THE HOUSE:

/s/ Ryan Silvey

/s/ Rick Stream

/s/ Tom Flanigan

/s/ Sara Lampe

/s/ Chris Kelly

Senator Schaefer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Justus	Keaveny	Kehoe	Lager	Lamping	Mayer	McKenna
Munzlinger	Nieves	Parson	Pearce	Richard	Ridgeway	Rupp	Schaefer
Schmitt	Stouffer	Wasson	Wright-Jones—28				

NAYS—Senators

Crowell	Kraus	Lembke	Purgason	Schaaf—5
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Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

On motion of Senator Schaefer, **CCS** for **SCS** for **HCS** for **HB 7**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 7

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2011 and ending June 30, 2012; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Justus	Keaveny	Kehoe	Lager	Lamping	Mayer	McKenna
Munzlinger	Nieves	Parson	Pearce	Richard	Ridgeway	Rupp	Schaefer
Schmitt	Stouffer	Wasson	Wright-Jones—28				

NAYS—Senators

Crowell	Kraus	Lembke	Purgason	Schaaf—5
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Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Senator Pearce assumed the Chair.

Senator Schaefer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 8** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 8

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 8, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 8.
2. That the House recede from its position on House Committee Substitute for House Bill No. 8.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 8, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Kurt Schaefer

/s/ Scott T. Rupp

/s/ David Pearce

/s/ Timothy P. Green

/s/ Shalonn K. Curls

FOR THE HOUSE:

/s/ Ryan Silvey

/s/ Rick Stream

/s/ Tom Flanigan

/s/ Sara Lampe

/s/ Chris Kelly

Senator Schaefer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Justus	Keaveny	Kehoe	Lager	Lamping	Mayer	McKenna
Munzlinger	Nieves	Parson	Pearce	Richard	Ridgeway	Rupp	Schaefer
Schmitt	Stouffer	Wasson	Wright-Jones—28				

NAYS—Senators

Crowell	Kraus	Lembke	Purgason	Schaaf—5
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Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

On motion of Senator Schaefer, **CCS** for **SCS** for **HCS** for **HB 8**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 8

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2011 and ending June 30, 2012.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Justus	Keaveny	Kehoe	Lager	Lamping	Mayer	McKenna
Munzlinger	Nieves	Parson	Pearce	Richard	Ridgeway	Rupp	Schaefer
Schmitt	Stouffer	Wasson	Wright-Jones—28				

NAYS—Senators

Crowell	Kraus	Lembke	Purgason	Schaaf—5
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Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Senator Schaefer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 9** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 9

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for

House Bill No. 9, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 9.
2. That the House recede from its position on House Committee Substitute for House Bill No. 9.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 9, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Kurt Schaefer

/s/ Scott T. Rupp

/s/ David Pearce

/s/ Timothy P. Green

/s/ Shalonn K. Curls

FOR THE HOUSE:

/s/ Ryan Silvey

/s/ Rick Stream

/s/ Tom Flanigan

/s/ Sara Lampe

/s/ Chris Kelly

Senator Schaefer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Justus	Keaveny	Kehoe	Lager	Lamping	Mayer	McKenna
Munzlinger	Nieves	Parson	Pearce	Richard	Ridgeway	Rupp	Schaefer
Schmitt	Stouffer	Wasson	Wright-Jones—28				

NAYS—Senators

Crowell	Kraus	Lembke	Schaaf—4
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Absent—Senator Purgason—1

Absent with leave—Senator Green—1

Vacancies—None

On motion of Senator Schaefer, **CCS** for **SCS** for **HB 9**, entitled:

**CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 9**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2011 and ending June 30, 2012; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Justus	Keaveny	Kehoe	Lager	Lamping	Mayer	McKenna
Munzlinger	Nieves	Parson	Pearce	Richard	Ridgeway	Rupp	Schaefer
Schmitt	Stouffer	Wasson	Wright-Jones—28				

NAYS—Senators

Crowell	Kraus	Lembke	Schaaf—4
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Absent—Senator Purgason—1

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Senator Schaefer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 10** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 10

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 10, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 10.
2. That the House recede from its position on House Committee Substitute for House Bill No. 10.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 10, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Kurt Schaefer

/s/ Scott T. Rupp

/s/ David Pearce

FOR THE HOUSE:

/s/ Ryan Silvey

/s/ Rick Stream

/s/ Tom Flanigan

/s/ Timothy P. Green

/s/ Sara Lampe

/s/ Shalonn K. Curls

/s/ Chris Kelly

Senator Schaefer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Curls	Dempsey	Dixon	Engler	Goodman
Justus	Keaveny	Kehoe	Lager	Lamping	Mayer	McKenna	Munzlinger
Nieves	Parson	Pearce	Richard	Ridgeway	Rupp	Schaefer	Schmitt
Stouffer	Wasson	Wright-Jones—27					

NAYS—Senators

Crowell	Cunningham	Kraus	Lembke	Schaaf—5
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Absent—Senator Purgason—1

Absent with leave—Senator Green—1

Vacancies—None

On motion of Senator Schaefer, **CCS** for **SCS** for **HCS** for **HB 10**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 10

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Department of Health and Senior Services, and the several divisions and programs thereof, and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2011 and ending June 30, 2012; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Justus	Keaveny	Kehoe	Lager	Lamping	Mayer	McKenna
Munzlinger	Nieves	Parson	Pearce	Richard	Ridgeway	Rupp	Schaefer
Schmitt	Stouffer	Wasson	Wright-Jones—28				

NAYS—Senators

Crowell	Kraus	Lembke	Schaaf—4
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Absent—Senator Purgason—1

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Senator Schmitt assumed the Chair.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 11** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 11**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 12** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 12**.

PRIVILEGED MOTIONS

Senator Schaefer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 11** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 11

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 11, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 11.
2. That the House recede from its position on House Committee Substitute for House Bill No. 11.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 11, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Kurt Schaefer

/s/ Scott T. Rupp

FOR THE HOUSE:

/s/ Ryan Silvey

/s/ Rick Stream

/s/ David Pearce

/s/ Tom Flanigan

/s/ Timothy P. Green

/s/ Sara Lampe

/s/ Shalonn K. Curls

/s/ Chris Kelly

Senator Schaefer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Justus	Keaveny	Kehoe	Lager	Lamping	Mayer	McKenna
Munzlinger	Parson	Pearce	Richard	Ridgeway	Rupp	Schaefer	Schmitt
Stouffer	Wasson	Wright-Jones—27					

NAYS—Senators

Crowell	Kraus	Lembke	Nieves	Schaaf—5
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Absent—Senator Purgason—1

Absent with leave—Senator Green—1

Vacancies—None

On motion of Senator Schaefer, **CCS** for **SCS** for **HCS** for **HB 11**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 11

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2011 and ending June 30, 2012; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Justus	Keaveny	Kehoe	Lager	Lamping	Mayer	McKenna
Munzlinger	Parson	Pearce	Richard	Ridgeway	Rupp	Schaefer	Schmitt
Stouffer	Wasson	Wright-Jones—27					

NAYS—Senators

Crowell	Kraus	Lembke	Nieves	Schaaf—5
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Absent—Senator Purgason—1

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Senator Schaefer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 12** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 12

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 12, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 12.
2. That the House recede from its position on House Committee Substitute for House Bill No. 12.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 12, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Kurt Schaefer

/s/ Scott T. Rupp

/s/ David Pearce

/s/ Timothy P. Green

/s/ Shalonn K. Curls

FOR THE HOUSE:

/s/ Ryan Silvey

/s/ Rick Stream

/s/ Tom Flanigan

/s/ Sara Lampe

/s/ Chris Kelly

Senator Schaefer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Justus	Keaveny	Kehoe	Lager	Lamping	Mayer	McKenna
Munzlinger	Nieves	Parson	Pearce	Richard	Ridgeway	Rupp	Schaefer
Schmitt	Stouffer	Wasson	Wright-Jones—28				

NAYS—Senators

Crowell Kraus Lembke Schaaf—4

Absent—Senator Purgason—1

Absent with leave—Senator Green—1

Vacancies—None

On motion of Senator Schaefer, **CCS** for **SCS** for **HCS** for **HB 12**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 12

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2011 and ending June 30, 2012.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Justus	Keaveny	Kehoe	Lager	Lamping	Mayer	McKenna
Munzlinger	Nieves	Parson	Pearce	Richard	Ridgeway	Rupp	Schaefer
Schmitt	Stouffer	Wasson	Wright-Jones—28				

NAYS—Senators

Crowell Kraus Lembke Schaaf—4

Absent—Senator Purgason—1

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 13**, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 13**.

PRIVILEGED MOTIONS

Senator Schaefer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 13** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 13

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 13, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 13.
2. That the House recede from its position on House Committee Substitute for House Bill No. 13.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 13, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Kurt Schaefer

/s/ Scott T. Rupp

/s/ David Pearce

/s/ Timothy P. Green

/s/ Shalonn K. Curls

FOR THE HOUSE:

/s/ Ryan Silvey

/s/ Rick Stream

/s/ Tom Flanigan

/s/ Sara Lampe

/s/ Chris Kelly

Senator Schaefer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Justus	Keaveny	Kehoe	Lager	Lamping	Mayer	McKenna
Munzlinger	Nieves	Parson	Pearce	Richard	Ridgeway	Rupp	Schaefer
Schmitt	Stouffer	Wasson	Wright-Jones—28				

NAYS—Senators

Crowell Kraus Lembke Schaaf—4

Absent—Senator Purgason—1

Absent with leave—Senator Green—1

Vacancies—None

On motion of Senator Schaefer, **CCS** for **SCS** for **HCS** for **HB 13**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 13

An Act to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2011 and ending June 30, 2012; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Justus	Keaveny	Kehoe	Lager	Lamping	Mayer	McKenna
Munzlinger	Nieves	Parson	Pearce	Richard	Ridgeway	Rupp	Schaefer
Schmitt	Stouffer	Wasson	Wright-Jones—28				

NAYS—Senators

Crowell Kraus Lembke Schaaf—4

Absent—Senator Purgason—1

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

**CONFERENCE COMMITTEE
APPOINTMENTS**

President Pro Tem Mayer appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 142**, as amended: Senators Dempsey, Mayer, Parson, McKenna and Curls.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SB 282** as amended. Representatives: Dugger, Smith (150), Cox, Conway (27), and Newman.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SS** for **SB 135** as amended. Representatives: Jones (89), Ruzicka, Pollock, Holsman, and Brown (50).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HB 142** as amended. Representatives: Gatschenberger, Diehl, Lauer, Quinn, and Taylor.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SS No. 2** for **SCS** for **SB 8** as amended. Representatives: Fisher, Nolte, Richardson, Meadows, and McManus.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SB 173** as amended. Representatives: Cierpiot, Long, Smith (150), Fallert, and Casey.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 220**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HB 101**, as amended, and request the Senate to recede from its position and, failing to do so, grant the House a conference thereon and the conferees be allowed to exceed the differences on Sections 311.088 and 311.486.

On motion of Senator Dempsey, the Senate recessed until 4:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Mayer.

RESOLUTIONS

On behalf of Senator Green, Senator Callahan offered Senate Resolution No. 1026, regarding Jacquelyn Luley, Florissant, which was adopted.

Senator Engler offered Senate Resolution No. 1027, regarding Chester Wells, which was adopted.

Senator Nieves offered Senate Resolution No. 1028, regarding Maretie Reas Wagner, Lonedell, which was adopted.

Senator Nieves offered Senate Resolution No. 1029, regarding Beverly Lynn Wagner, Lonedell, which was adopted.

Senator Mayer offered Senate Resolution No. 1030, regarding Stanley Cunningham, Poplar Bluff, which was adopted.

Senator Mayer offered Senate Resolution No. 1031, regarding Kathern J. Harris, Poplar Bluff, which was adopted.

Senator Schaefer offered Senate Resolution No. 1032, regarding Jo Lynn Steitz, Columbia, which was adopted.

Senator Parson offered Senate Resolution No. 1033, regarding the Tenth Wedding Anniversary of Mr. and Mrs. Jackie Shelledy, Sedalia, which was adopted.

Senator Lembke offered Senate Resolution No. 1034, regarding Kelly O'Connor, St. Louis, which was adopted.

Senator Rupp offered Senate Resolution No. 1035, regarding Joey Shelton, which was adopted.

COMMUNICATIONS

President Pro Tem Mayer submitted the following:

May 5, 2011

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Ron Richard to the following commission:

Missouri State Capitol Commission

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

Also,

May 5, 2011

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Shalonn “Kiki” Curls to the following commission:

Missouri State Capitol Commission

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Dixon introduced to the Senate, Eric Hillgren and Katie MacKoul.

Senator Schaaf introduced to the Senate, the Physician of the Day, Dr. Warren Hagan, M.D., St. Joseph.

On motion of Senator Dempsey, the Senate adjourned until 3:00 p.m., Monday, May 9, 2011.

SENATE CALENDAR

SIXTY-FIFTH DAY—MONDAY, MAY 9, 2011

FORMAL CALENDAR

VETOED BILLS

SCS for SB 188-Lager, et al

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna (In Fiscal Oversight)

SB 204-Dempsey, et al (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 260-Wasson, with SCS
2. SB 425-Goodman, with SCS
3. SB 400-Kraus, with SCS
4. SB 392-Rupp, with SCS

5. SB 403-Nieves
6. SB 329-Nieves
7. SB 353-Engler
8. SJR 16-Goodman, with SCS

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| 9. SB 391-Lager | 15. SB 45-Wright-Jones |
| 10. SB 253-Callahan and Cunningham, with SCS | 16. SB 14-Pearce, with SCS |
| 11. SB 223-Mayer | 17. SB 281-Kraus |
| 12. SB 119-Schaefer | 18. SB 399-Kraus |
| 13. SB 150-Munzlinger | 19. SB 44-Wright-Jones |
| 14. SB 84-Wright-Jones | |

HOUSE BILLS ON THIRD READING

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| 1. HB 183-Silvey (Kraus) | 17. HCS for HB 562, with SCS |
| 2. HB 667-Carter, et al | 18. HB 525-Molendorp |
| 3. HCS for HB 431, with SCS (Curls) | 19. HCS for HB 523, with SCS |
| 4. HB 151-Kelly (24) and Molendorp | 20. HB 139-Smith (150), et al (Cunningham) |
| 5. HCS for HB 697, with SCS (Dixon) | 21. HB 167-Nolte, et al, with SCA 1 (Nieves) |
| 6. HB 661-Wells, et al, with SCS (Lamping) | 22. HB 402-Diehl and Korman (Wasson) |
| 7. HB 591-Lichtenegger, et al, with SCS | 23. HCS for HBs 470 & 429, with SCS (Rupp) |
| 8. HCS for HB 464, with SCS | 24. HCS for HB 38, with SCS (Wright-Jones) |
| 9. HCS for HB 412, with SCS (Wasson) | 25. HB 68-Scharnhorst |
| 10. HCS for HB 407 | 26. HCS for HB 161, with SCS |
| 11. HCS for HB 265, with SCS (Wasson) | 27. HB 184-Dugger, with SCS (Purgason) |
| 12. HB 484-Faith | 28. HCS for HB 664, with SCS (Schmitt) |
| 13. HCS for HB 430, with SCS (Stouffer) | 29. HCS for HB 366 |
| 14. HB 1008-Long, et al, with SCS | 30. HB 675-Largent and Hoskins (Parson) |
| 15. HCS for HB 604, with SCS (Rupp) | 31. HCS for HJR 3 (Brown) |
| 16. HCS for HB 111, with SCS | 32. HB 458-Loehner, et al (Brown) |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SS for SB 231-Lager

SENATE BILLS FOR PERFECTION

- | | |
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| SBs 1 & 206-Ridgeway, with SCS & SA 1
(pending) | SB 37-Lembke, with SCS |
| SBs 7, 5, 74 & 169-Goodman, with SCS | SB 52-Cunningham |
| SB 10-Rupp | SB 72-Kraus, with SS (pending) |
| SB 23-Keaveny, with SCS & SS for SCS
(pending) | SBs 88 & 82-Schaaf, with SCS & SA 1
(pending) |
| SB 25-Schaaf, with SCS & SS for SCS
(pending) | SB 120-Stouffer, with SS (pending) |
| SB 28-Brown | SB 130-Rupp, with SCS & SS for SCS
(pending) |
| | SB 155-Rupp, with SCS |

SB 175-Munzlinger, et al, with SA 1 (pending)
 SB 176-Munzlinger, et al
 SBs 189, 217, 246, 252 & 79-Schmitt,
 with SCS
 SB 200-Crowell
 SB 203-Schmitt, et al, with SS (pending)
 SB 208-Lager
 SB 209-Lager
 SB 228-Pearce
 SB 242-Cunningham, with SCS & SS for SCS
 (pending)
 SB 247-Pearce, with SS (pending)
 SB 264-Rupp, with SCS

SB 278-Munzlinger, et al
 SB 280-Purgason, et al, with SCS & SS
 for SCS (pending)
 SBs 291, 184 & 294-Pearce, with SCS & SA 4
 (pending)
 SB 299-Munzlinger, with SCS (pending)
 SB 326-Wasson
 SBs 369 & 370-Cunningham, with SCS
 SB 390-Schmitt, et al
 SBs 408 & 80-Crowell, with SCS
 SB 420-Mayer, with SCS
 SJR 11-Munzlinger, with SCS
 SJR 15-Nieves, et al, with SS (pending)

HOUSE BILLS ON THIRD READING

HCS for HB 61
 HB 71-Nasheed, et al
 HCS for HB 89, with SCS & SS for SCS
 (pending) (Lager)
 HCS for HBs 112 & 285, with SCS (Brown)
 HCS for HB 143 (Goodman)
 HCS for HBs 294, 123, 125, 113, 271 & 215,
 with SCS & SS for SCS (pending)
 (Munzlinger)
 HCS for HB 336 (Schmitt)
 HB 361-Leara (Cunningham)
 HB 442-Franz, with SA 2 (pending) (Parson)
 HB 462-Pollock, with SCS (Lager)

HCS for HB 545, with SCS & SS for SCS
 (pending) (Schaaf)
 HCS for HB 556
 HCS#2 for HB 609, with SCS (Wasson)
 HB 648-Montecillo, with SS (pending)
 (Rupp)
 HB 738-Nasheed, et al, with SCS (pending)
 (Cunningham)
 HJR 2-McGhee, et al (Goodman)
 HJR 6-Cierpiot, et al (Cunningham)
 HJR 29-Solon, et al, with SA 1 (pending)
 (Munzlinger)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 3-Stouffer, with HCS#2, as amended
 SS for SCS for SB 58-Stouffer and Lembke,
 with HCS, as amended
 SB 145-Dempsey, with HCS, as amended

SCS for SB 219-Wasson, with HCS,
 as amended
 SJR 2-Stouffer, with HCS#2

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SS#2 for SCS for SB 8-Goodman, with HCS,
 as amended
 SS for SB 135-Schaefer, with HCS, as amended

SB 173-Dixon and Kehoe, with HCS,
 as amended
 SB 220-Wasson, with HCS, as amended

SB 282-Engler, with HCS, as amended

HB 142-Gatschenberger, with SCS,
as amended (Dempsey)

Requests to Recede or Grant Conference

HB 101-Loehner, with SCS, as amended

(Cunningham)

(House requests Senate recede or grant conference)

RESOLUTIONS

Reported from Committee

SR 179-Purgason

HCS for HCR 23 (Dixon)

HCR 37-Franklin, et al

HCR 42-Funderburk, et al

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Journal of the Senate

FIRST REGULAR SESSION

SIXTY-FIFTH DAY—MONDAY, MAY 9, 2011

The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

“Those of steadfast mind you keep in peace - in peace because they trust in you.” (Isaiah 26:3)

O loving God we trust in You and desire to continue to learn of You. As we deal with each other this day may Your peace and love be communicated in and through us as we continue to be part of the work that is required of us. May we walk in righteousness and trust wholly in You. You have watched our going out and coming in bringing us safely here so we give You thanks. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, May 5, 2011 was read and approved.

Senator Dempsey announced that photographers from Missouri News Horizon, were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Mayer offered Senate Resolution No. 1036, regarding Rhonda June Meloy, Naylor, which was

adopted.

Senator Purgason offered Senate Resolution No. 1037, regarding Kathryn Jean Hodits, Camdenton, which was adopted.

Senator Lager offered Senate Resolution No. 1038, regarding Sharon L. Smith, Osborn, which was adopted.

Senator Lager offered Senate Resolution No. 1039, regarding Colby Harrison Scroggins, which was adopted.

Senator Lager offered Senate Resolution No. 1040, regarding Phillip Roy Fish, Cameron, which was adopted.

Senator McKenna offered Senate Resolution No. 1041, regarding Kayla Reece, Festus, which was adopted.

Senators Kehoe and Green offered Senate Resolution No. 1042, regarding Maurice R. Schulte, Jefferson City, which was adopted.

Senator Kraus offered Senate Resolution No. 1043, regarding Dr. Keith Gurley, Kansas City, which was adopted.

Senator Engler offered Senate Resolution No. 1044, regarding Sandra “Sandy” Whitby, Cadet, which was adopted.

Senator Rupp offered Senate Resolution No. 1045, regarding Discovery Ridge Elementary School, Wentzville, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 1046, regarding the International Association of Workforce Professionals, which was adopted.

Senator Lager offered Senate Resolution No. 1047, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Clark Peterson, Chillicothe, which was adopted.

Senator Lager offered Senate Resolution No. 1048, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Frank Woodruff, Gallatin, which was adopted.

Senator Lager offered Senate Resolution No. 1049, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Eugene Poynter, Mound City, which was adopted.

Senator Kehoe offered Senate Resolution No. 1050, regarding Layne E. Kempker, Jefferson City, which was adopted.

Senator Munzlinger offered Senate Resolution No. 1051, regarding Daniel Blake, Clark, which was adopted.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mayer appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 220**, as amended: Senators Wasson, Richard, Parson, Callahan and Justus.

PRIVILEGED MOTIONS

Senator Cunningham moved that the Senate refuse to recede from its position on **SCS** for **HB 101**, as

amended, and grant the House a conference thereon and further that the conferees be allowed to exceed the differences on Section 311.088 and 311.486, which motion prevailed.

Senator Dempsey moved that the Senate refuse to concur in **HCS** for **SB 145**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended, for **HCS** for **HB 17** and has taken up and passed **SCS** for **HCS** for **HB 17**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended, for **HCS** for **HB 18** and has taken up and passed **SCS** for **HCS** for **HB 18**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 21** and has taken up and passed **SCS** for **HCS** for **HB 21**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended, for **HCS** for **HB 22** and has taken up and passed **SCS** for **HCS** for **HB 22**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 999**, entitled:

An Act to repeal sections 43.650, 589.400, 589.402, 589.403, 589.405, 589.407, and 589.414, RSMo, and to enact in lieu thereof ten new sections relating to sexual offender registration, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 61**, entitled:

An Act to repeal sections 50.535, 51.050, 52.010, 54.033, 54.330, 67.1521, 84.010, 84.220, 86.200, 86.213, 115.342, 140.410, 140.660, 301.130, and 523.040, RSMo, and to enact in lieu thereof twenty-three new sections relating to local government, with penalty provisions.

With House Amendment Nos. 1, 2 and 3.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 61, Page 5, Section 67.1521, Line 57 by inserting after all of said section and line the following:

“72.401. 1. If a commission has been established pursuant to [section] **sections 72.400 to 72.423** in any county with a charter form of government where fifty or more cities, towns and villages have been established, any boundary change within the county shall proceed solely and exclusively in the manner provided for by sections 72.400 to 72.423, notwithstanding any statutory provisions to the contrary concerning such boundary changes.

2. In any county with a charter form of government where fifty or more cities, towns and villages have been established, if the governing body of such county has by ordinance established a boundary commission, as provided in sections 72.400 to 72.423, then boundary changes in such county shall proceed only as provided in sections 72.400 to 72.423.

3. The commission shall be composed of eleven members as provided in this subsection. No member, employee or contractor of the commission shall be an elective official, employee or contractor of the county or of any political subdivision within the county or of any organization representing political subdivisions or officers or employees of political subdivisions. Each of the appointing authorities described in subdivisions (1) to (3) of this subsection shall appoint persons who shall be residents of their respective locality so described. The appointing authority making the appointments shall be:

(1) The chief elected officials of all municipalities wholly within the county which have a population of more than twenty thousand persons, who shall name two members to the commission as prescribed in this subsection each of whom is a resident of a municipality within the county of more than twenty thousand persons;

(2) The chief elected officials of all municipalities wholly within the county which have a population of twenty thousand or less but more than ten thousand persons, who shall name one member to the commission as prescribed in this subsection who is a resident of a municipality within the county with a population of twenty thousand or less but more than ten thousand persons;

(3) The chief elected officials of all municipalities wholly within the county which have a population of ten thousand persons or less, who shall name one member to the commission as prescribed in this subsection who is a resident of a municipality within the county with a population of ten thousand persons or less;

(4) An appointive body consisting of the director of the county department of planning, the president of the municipal league of the county, one additional person designated by the county executive, and one additional person named by the board of the municipal league of the county, which appointive body, acting by a majority of all of its members, shall name three members of the commission who are residents of the county; and

(5) The county executive of the county, who shall name four members of the commission, three of whom shall be from the unincorporated area of the county and one of whom shall be from the incorporated area of the county. The seat of a commissioner shall be automatically vacated when the commissioner changes his or her residence so as to no longer conform to the terms of the requirements of the commissioner's appointment. The commission shall promptly notify the appointing authority of such change of residence.

4. Upon the passage of an ordinance by the governing body of the county establishing a boundary commission, the governing body of the county shall, within ten days, send by United States mail written notice of the passage of the ordinance to the chief elected official of each municipality wholly or partly in the county.

5. Each of the appointing authorities described in subdivisions (1) to (4) of subsection 3 of this section shall meet within thirty days of the passage of the ordinance establishing the commission to compile its list of appointees. Each list shall be delivered to the county executive within forty-one days of the passage of such ordinance. The county executive shall appoint members within forty-five days of the passage of the ordinance. If a list is not submitted by the time specified, the county executive shall appoint the members using the criteria of subsection 3 of this section before the sixtieth day from the passage of the ordinance. At the first meeting of the commission appointed after the effective date of the ordinance, the commissioners shall choose by lot the length of their terms. Three shall serve for one year, two for two years, two for three years, two for four years, and two for five years. All succeeding commissioners shall serve for five years. Terms shall end on December thirty-first of the respective year. No commissioner shall serve more than two consecutive full terms. Full terms shall include any term longer than two years.

6. When a member's term expires, or if a member is for any reason unable to complete his term, the respective appointing authority shall appoint such member's successor. Each appointing authority shall act to ensure that each appointee is secured accurately and in a timely manner, when a member's term expires or as soon as possible when a member is unable to complete his term. A member whose term has expired shall continue to serve until his successor is appointed and qualified.

7. The commission, its employees and subcontractors shall be subject to the regulation of conflicts of interest as defined in sections 105.450 to [105.498] **105.496** and to the requirements for open meetings and records under chapter 610.

8. Notwithstanding any provisions of law to the contrary, any boundary adjustment approved by the residential property owners and the governing bodies of the affected municipalities or the county, if involved, shall not be subject to commission review. Such a boundary adjustment is not prohibited by the existence of an established unincorporated area.

9. Notwithstanding any provisions of law to the contrary, any voluntary annexation approved by ordinance of any municipality that is a service provider for both water and sewer service within the municipality shall be effective as provided in such annexation ordinance and shall not be subject to boundary commission review. Such an annexation is not prohibited by the existence of an established unincorporated area.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 61, Page 6, Section 84.344, Line 1, by deleting the word “**department**” and inserting in lieu thereof the following: “**force**”; and

Further amend said bill, Page 6, Section 84.344, Line 9, by deleting all of said line and inserting in lieu thereof the following: “**the discharge of the official duties of said force;**”; and

Further amend said bill, Page 6, Section 84.344, Line 13, by deleting all of said line and inserting in lieu thereof the following: “**force; or**”; and

Further amend said bill, Page 6, Section 84.344, Line 15, by deleting the word “**department**” and inserting in lieu thereof the following: “**force**”; and

Further amend said bill, Page 6, Section 84.344, Line 17, by deleting the word “**department**” and inserting in lieu thereof the following: “**force**”; and

Further amend said bill, Page 7, Section 84.345, Line 1, by deleting the number “**1.**”; and

Further amend said bill, Page 7, Section 84.345, Line 9, by deleting the word “**cities**” and inserting in lieu thereof the following: “**city**”; and

Further amend said bill, Page 7, Section 84.345, Lines 14 to 28, by deleting all of said lines; and

Further amend said bill, Page 7, Section 84.346, Lines 2 and 3, by deleting all of said lines and inserting in lieu thereof the following: “**not within a county may establish a municipal police force on or after January 1, 2012, according to the procedures and**”; and

Further amend said bill, Page 7, Section 84.346, Line 7, by deleting all of said line and inserting in lieu thereof the following:

“2. Before the establishment of a municipal police force by a city under sections 84.345 to 84.348, the board of police commissioners shall convey, assign, and otherwise transfer to the city title and ownership of all indebtedness and assets, including, but not limited to, all funds and real and personal property held in the name of or controlled by the board of police commissioners created under sections 84.020 and 84.030. The board of police commissioners shall execute all documents reasonably required to accomplish such transfer of ownership and obligations.

3. Upon the completion of the transfer described in subsection 2 of this section, the city shall appropriate the necessary funds for the maintenance of the municipal police force, however, in no event shall the city be required to appropriate funds for pensions or retirement plans for any fiscal year in excess of any limitation imposed by section 21, article X, of the Missouri Constitution. Such city may appropriate, by ordinance, a sum in excess of such limitation for any fiscal year. Nothing in sections 84.345 to 84.348 shall be construed as requiring a new activity or service, or an increase in the level of any activity or service, beyond that required by existing law if the city elects to establish a police force under sections 84.345 to 84.348.

4. Before a city not within a county may establish a municipal police force under this section, the city shall adopt an ordinance accepting responsibility, ownership, and liability as successor-in-interest for contractual obligations, indebtedness, and other lawful obligations of the board of police commissioners.

5. A city not within a county that establishes a municipal police force shall initially” and renumber all remaining subsections accordingly; and

Further amend said bill, Page 8, Section 84.346, Lines 14 to 16, by deleting all of said lines and inserting in lieu thereof the following: “**to as employees of the board of police commissioners.**”; and

Further amend said bill, Page 8, Section 84.346, Line 27, by deleting “**8 of section 84.346.**” and inserting in lieu thereof the following: “**6 of this section.**”; and

Further amend said bill, Page 8, Section 84.346, Lines 43 to 71, by deleting all of said lines; and

Further amend said bill, Page 10, Section 84.346, Line 80, by deleting the semicolon; and

Further amend said bill, Page 10, Section 84.346, Line 84, by deleting the semicolon; and

Further amend said bill, Page 10, Section 84.346, Line 92, by deleting the words “**purpose of coordinating**” and inserting in lieu thereof the following: “**purpose of: coordinating**”; and

Further amend said bill, Page 10, Section 84.347, Line 7, by deleting number “**84.345**” and inserting in lieu thereof the following: “**84.346**”; and

Further amend said bill, Page 10, Section 84.347, Line 13, by deleting the words “**section 84.345, and state shall continue**” and inserting in lieu thereof the following: “**section 84.346, and state shall not continue**”; and

Further amend said bill, Page 11, Section 84.347, Line 14, by deleting the words “**shall continue**” and inserting in lieu thereof the following: “**shall not continue**”; and

Further amend said bill, Page 11, Section 84.347, Line 16, by deleting the words “**collective bargaining agreement**,”; and

Further amend said bill, Page 11, Section 84.347, Line 19, by deleting the number “**5**” and inserting in lieu thereof the following: “**8**”; and

Further amend said bill, Page 15, Section 86.213, Line 33, by inserting after all of said line the following:

“86.371. In the event that the state or any state official is ordered to provide state funds to any city not within a county to satisfy pension obligations to any member of the system provided for in sections 86.200 to 86.366, the amount of state funds ordered shall constitute a first lien on the funds of such city. The state is authorized to certify such amount to the state treasurer and the director of the department of revenue. The state treasurer and the director of the department of revenue shall withhold all moneys due the city not within a county from the state until such amount, together with regular interest, is satisfied.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 61, Page 6, Section 84.344, Line 20, by inserting after all of said line the following:

“3. The chief, or any manager of the highest rank regardless of that person’s title, of a municipal police force established under section 84.346 shall not:

(1) Solicit orally, by letter, or otherwise any assessment, contribution, or payment for any political purpose whatsoever;

(2) Directly or indirectly give, pay, lend, or contribute any of his or her salary, compensation, money, or other valuable thing to any person on account of, or to be applied to, the promotion of any political party, political club, or any political purpose whatsoever;

(3) Use his or her official authority or influence for the purpose of interfering with any election, nomination for office, or result thereof;

(4) Be a member or official of any committee of any political party or board of aldermen;

(5) Solicit any person to vote for or against any candidate for public office, poll precincts, or be connected with other political work of similar character on behalf of any political organization, party, or candidate;

(6) Affix any sign, bumper sticker, or other device, which either supports or opposes any ballot measure or political candidate, to any property or vehicle under the control of the police force;

(7) Publicly endorse a candidate for any public office;

(8) Work for, or provide any service to, on a paid or voluntary basis, a candidate for any public office or a campaign for or against any ballot initiative.

All such persons shall, however, retain the right to vote as they may choose and to express their opinions on all political subjects and candidates. Any person who violates this subsection shall immediately forfeit and vacate his or her office.”; and

Further amend said bill, Page 8, Section 84.346, Line 36, by deleting all of said line and inserting in lieu thereof the following: **“the rules and regulations. Unless otherwise provided for,”**; and

Further amend said bill, Page 8, Section 84.346, Line 39, by deleting the word **“may”** and inserting in lieu thereof the following: **“shall”**; and

Further amend said bill, Page 8, Section 84.346, Line 40, by inserting immediately after the word **“appeals”** the following: **“that involve discipline resulting in a suspension of greater than fifteen days, demotion, or termination”**; and

Further amend said bill, Page 10, Section 84.346, Line 80, by deleting the word **“retired”** and inserting in lieu thereof the following: **“retire”**; and

Further amend said bill, Page 10, Section 84.346, Lines 101 and 102, by deleting said lines and inserting in lieu thereof the following: **“enforcement officers. The remaining members of the committee shall include the police chief of the municipal police force, the city’s director of public safety, and a person who has retired from service with the board of police commissioners or the municipal police who shall be appointed to the committee by a law enforcement association that represents a majority of members of the municipal police force. The committee shall elect a chair by majority vote.”**; and

Further amend said bill, Page 11, Section 84.349, Line 4, by inserting at the end of said line the following: **“The nonseverability provision in this section shall not apply to subsection 3 of section 84.344.”**; and

Further amend said bill, Page 15, Section 86.213, Lines 13 and 14, by deleting all of said lines and inserting in lieu thereof the following:

“[(3) Three] (2) Two members to be appointed by the mayor of the city to serve for a term of two years, **except the mayor shall not appoint the police chief of the municipal police force, the city’s director**

of public safety, or the president of the board of police commissioners of the city;”; and

Further amend said bill, Page 15, Section 86.213, Line 23, by deleting all of said line and inserting in lieu thereof the following:

“[(5) Two] (4) Three members who shall be retired members of the retirement system to be”; and

Further amend said bill, Page 21, Section 2, Line 4, by inserting after all of said line the following:

“Section 3. No elected or appointed official of the state or any political subdivision thereof shall act or refrain from acting in any manner to impede, obstruct, hinder, or otherwise interfere with any member of a municipal police force established under section 84.346 in the performance of his or her job duties, or with any aspect of any investigation arising from the performance of such job duties. This section shall not be construed to prevent such officials from acting within the normal course and scope of their employment or from acting to implement sections 84.345 to 84.348. Any person who shall violate this section shall be liable for a penalty of two thousand five hundred dollars for each offense and shall forever be disqualified from holding any office or employment whatsoever with the governmental entity the person served at the time of the violation. The penalty shall not be paid by the funds of any committee as the term “committee” is defined in section 130.011. This section shall not be construed to interfere with the punishment, under any laws of this state, of a criminal offense committed by such officials, nor shall this section apply to duly appointed members of the municipal police force, or their appointing authorities, whose conduct is otherwise provided for by law.

Section 4. 1. It shall be an unlawful employment practice for an official, employee, or agent of a municipal police force established under section 84.346 to discharge, demote, reduce the pay of, or otherwise retaliate against an employee of the municipal police force for reporting to any superior, government agency, or the press the conduct of another employee that the reporting employee believes, in good faith, is illegal.

2. Any employee of the municipal police force may bring a cause of action for general or special damages based on a violation of this section.”; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 187**, entitled:

An Act to repeal sections 67.402, 226.720, and 537.296, RSMo, and to enact in lieu thereof three new sections relating to nuisance actions, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 226**, entitled:

An Act to repeal sections 143.790, 190.015, 190.035, 190.040, and 321.120, RSMo, and to enact in lieu thereof seven new sections relating to emergency services.

With House Amendment Nos. 1, 2, 3 and 4.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 226, Page 1, Section 143.789, Lines 4-10, by deleting all of said lines and inserting in lieu thereof the following:

“(1) Delinquent taxes owed by the taxpayer to the state of Missouri;

(2) Debts owed by such taxpayer to any state agency or support obligation owed by such taxpayer which are enforced by the division of family services on behalf of a person who is receiving support enforcement services under section 454.425;

(3) Collection assistance fees authorized under section 143.790;

(4) Eligible claims under section 143.790; and

(5) Delinquent taxes owed by the taxpayer to the United States.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 226, Section 143.790, Page 8, Line 245, by inserting after all of said section and line the following:

“143.1016. 1. For all tax years beginning on or after January 1, 2011, each individual or corporation entitled to a tax refund in an amount sufficient to make a designation under this section may designate that two dollars or any amount in excess of two dollars on a single return, and four dollars or any amount in excess of four dollars on a combined return, of the refund due be credited to the organ donor program fund established in section 194.297. The contribution designation authorized by this section shall be clearly and unambiguously printed on each income tax return form provided by this state. If any individual that is not entitled to a tax refund in an amount sufficient to make a designation under this section wishes to make a contribution to the organ donor program fund, such individual may, by separate check, draft, or other negotiable instrument, send in with the payment of taxes, or may send in separately, clearly designated for the organ donor program fund, the amount the individual wishes to contribute. The department of revenue shall deposit such amount to the organ donor program fund as provided in subsection 2 of this section.

2. The director of revenue shall transfer at least monthly all contributions designated by individuals under this section, less an amount sufficient to cover the cost of collecting and handling by the department of revenue which shall not exceed five percent of the transferred contributions, to the state treasurer for deposit in the state treasury to the credit of the organ donor program fund. A contribution designated under this section shall only be transferred and deposited in the organ donor program fund after all other claims against the refund from which such contribution is to be made have been satisfied.

3. All moneys transferred to the fund shall be distributed as provided in this section and sections 194.297 and 194.299.

4. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset

on December thirty-first six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty-first twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 226, Page 1, Section A, Line 3, by inserting after all of said line the following:

“66.620. 1. All county sales taxes collected by the director of revenue under sections 66.600 to 66.630 on behalf of any county, less one percent for cost of collection which shall be deposited in the state’s general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which is hereby created, to be known as the “County Sales Tax Trust Fund”. The moneys in the county sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a county sales tax, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county which levied the tax; such funds shall be deposited with the county treasurer of the county and all expenditures of funds arising from the county sales tax trust fund shall be by an appropriation act to be enacted by the legislative council of the county, and to the cities, towns and villages located wholly or partly within the county which levied the tax in the manner as set forth in sections 66.600 to 66.630.

2. In any county not adopting an additional sales tax and alternate distribution system as provided in section 67.581, for the purposes of distributing the county sales tax, the county shall be divided into two groups, “Group A” and “Group B”. Group A shall consist of all cities, towns and villages which are located wholly or partly within the county which levied the tax and which had a city sales tax in effect under the provisions of sections 94.500 to 94.550 on the day prior to the adoption of the county sales tax ordinance, except that beginning January 1, 1980, group A shall consist of all cities, towns and villages which are located wholly or partly within the county which levied the tax and which had a city sales tax approved by the voters of such city under the provisions of sections 94.500 to 94.550 on the day prior to the effective date of the county sales tax. **Notwithstanding provisions of this section to contrary, for the period beginning August 28, 2011, and ending August 28, 2013, group A shall include all portions of any city of the fourth classification with more than four thousand three hundred but fewer than four thousand four hundred inhabitants and located in any county with a charter form of government and with more than one million inhabitants and where such city includes a dormant manufacturing plant that was used for manufacturing or assembly and employed not less than three thousand persons but has ceased such manufacturing and assembly activity.** For the purposes of determining the location of consummation of sales for distribution of funds to cities, towns and villages in group A, the boundaries of any such city, town or village shall be the boundary of that city, town or village as it existed on March 19,

1984. Group B shall consist of all cities, towns and villages which are located wholly or partly within the county which levied the tax and which did not have a city sales tax in effect under the provisions of sections 94.500 to 94.550 on the day prior to the adoption of the county sales tax ordinance, and shall also include all unincorporated areas of the county which levied the tax; except that, beginning January 1, 1980, group B shall consist of all cities, towns and villages which are located wholly or partly within the county which levied the tax and which did not have a city sales tax approved by the voters of such city under the provisions of sections 94.500 to 94.550 on the day prior to the effective date of the county sales tax and shall also include all unincorporated areas of the county which levied the tax. **Notwithstanding provisions of this section to contrary, for the period beginning August 28, 2011, and ending August 28, 2013, group B shall not include any portion of any city of the fourth classification with more than four thousand three hundred but fewer than four thousand four hundred inhabitants and located in any county with a charter form of government and with more than one million inhabitants and where such city includes a dormant manufacturing plant that was used for manufacturing or assembly and employed not less than three thousand persons but has ceased such manufacturing and assembly activity.**

3. Until January 1, 1994, the director of revenue shall distribute to the cities, towns and villages in group A the taxes based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087. Except for distribution governed by section 66.630, after deducting the distribution to the cities, towns and villages in group A, the director of revenue shall distribute the remaining funds in the county sales tax trust fund to the cities, towns and villages and the county in group B as follows: To the county which levied the tax, a percentage of the distributable revenue equal to the percentage ratio that the population of the unincorporated areas of the county bears to the total population of group B; and to each city, town or village in group B located wholly within the taxing county, a percentage of the distributable revenue equal to the percentage ratio that the population of such city, town or village bears to the total population of group B; and to each city, town or village located partly within the taxing county, a percentage of the distributable revenue equal to the percentage ratio that the population of that part of the city, town or village located within the taxing county bears to the total population of group B.

4. From and after January 1, 1994, the director of revenue shall distribute to the cities, towns and villages in group A a portion of the taxes based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087 in accordance with the formula described in this subsection. After deducting the distribution to the cities, towns and villages in group A, the director of revenue shall distribute funds in the county sales tax trust fund to the cities, towns and villages and the county in group B as follows: To the county which levied the tax, ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated since April 1, 1993, multiplied by the total of all sales tax revenues countywide, and a percentage of the remaining distributable revenue equal to the percentage ratio that the population of unincorporated areas of the county bears to the total population of group B; and to each city, town or village in group B located wholly within the taxing county, a percentage of the remaining distributable revenue equal to the percentage ratio that the population of such city, town or village bears to the total population of group B; and to each city, town or village located partly within the taxing county, a percentage of the remaining distributable revenue equal to the percentage ratio that the population of that part of the city, town or village located within the taxing county bears to the total population of group B.

5. (1) For purposes of administering the distribution formula of subsection 4 of this section, the revenues arising each year from sales occurring within each group A city, town or village shall be distributed as

follows: Until such revenues reach the adjusted county average, as hereinafter defined, there shall be distributed to the city, town or village all of such revenues reduced by the percentage which is equal to ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993; and once revenues exceed the adjusted county average, total revenues shall be shared in accordance with the redistribution formula as defined in this subsection.

(2) For purposes of this subsection, the “adjusted county average” is the per capita countywide average of all sales tax distributions during the prior calendar year reduced by the percentage which is equal to ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993; the “redistribution formula” is as follows: During 1994, each group A city, town and village shall receive that portion of the revenues arising from sales occurring within the municipality that remains after deducting therefrom an amount equal to the cumulative sales tax revenues arising from sales within the municipality multiplied by the percentage which is the sum of ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993, and the percentage, if greater than zero, equal to the product of 8.5 multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the total of cumulative per capita sales taxes arising from sales within the municipality less the adjusted county average. During 1995, each group A city, town and village shall receive that portion of the revenues arising from sales occurring within the municipality that remains after deducting therefrom an amount equal to the cumulative sales tax revenues arising from sales within the municipality multiplied by the percentage which is the sum of ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993, and the percentage, if greater than zero, equal to the product of seventeen multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the total of cumulative per capita sales taxes arising from sales within the municipality less the adjusted county average. From January 1, 1996, until January 1, 2000, each group A city, town and village shall receive that portion of the revenues arising from sales occurring within the municipality that remains after deducting therefrom an amount equal to the cumulative sales tax revenues arising from sales within the municipality multiplied by the percentage which is the sum of ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993, and the percentage, if greater than zero, equal to the product of 25.5 multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the total of cumulative per capita sales taxes arising from sales within the municipality less the adjusted county average. From and after January 1, 2000, the distribution formula covering the period from January 1, 1996, until January 1, 2000, shall continue to apply, except that the percentage computed for sales arising within the municipalities shall be not less than 7.5 percent for municipalities within which sales tax revenues exceed the adjusted county average, nor less than 12.5 percent for municipalities within which sales tax revenues exceed the adjusted county average by at least twenty-five percent.

(3) For purposes of applying the redistribution formula to a municipality which is partly within the county levying the tax, the distribution shall be calculated alternately for the municipality as a whole, except that the factor for annexed portion of the county shall not be applied to the portion of the municipality which is not within the county levying the tax, and for the portion of the municipality within the county levying the tax. Whichever calculation results in the larger distribution to the municipality shall be used.

(4) Notwithstanding any other provision of this section, the fifty percent of additional sales taxes as described in section 99.845 arising from economic activities within the area of a redevelopment project

established after July 12, 1990, pursuant to sections 99.800 to 99.865, while tax increment financing remains in effect shall be deducted from all calculations of countywide sales taxes, shall be distributed directly to the municipality involved, and shall be disregarded in calculating the amounts distributed or distributable to the municipality. Further, any agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of incremental sales tax revenues to the special allocation fund of a tax increment financing project while tax increment financing remains in effect shall continue to be in full force and effect and the sales taxes so appropriated shall be deducted from all calculations of countywide sales taxes, shall be distributed directly to the municipality involved, and shall be disregarded in calculating the amounts distributed or distributable to the municipality. In addition, and notwithstanding any other provision of this chapter to the contrary, economic development funds shall be distributed in full to the municipality in which the sales producing them were deemed consummated. Additionally, economic development funds shall be deducted from all calculations of countywide sales taxes and shall be disregarded in calculating the amounts distributed or distributable to the municipality. As used in this subdivision, the term “economic development funds” means the amount of sales tax revenue generated in any fiscal year by projects authorized pursuant to chapter 99 or chapter 100 in connection with which such sales tax revenue was pledged as security for, or was guaranteed by a developer to be sufficient to pay, outstanding obligations under any agreement authorized by chapter 100, entered into or adopted prior to September 1, 1993, between a municipality and another public body. The cumulative amount of economic development funds allowed under this provision shall not exceed the total amount necessary to amortize the obligations involved.

6. If the qualified voters of any city, town or village vote to change or alter its boundaries by annexing any unincorporated territory included in group B or if the qualified voters of one or more city, town or village in group A and the qualified voters of one or more city, town or village in group B vote to consolidate, the area annexed or the area consolidated which had been a part of group B shall remain a part of group B after annexation or consolidation. After the effective date of the annexation or consolidation, the annexing or consolidated city, town or village shall receive a percentage of the group B distributable revenue equal to the percentage ratio that the population of the annexed or consolidated area bears to the total population of group B and such annexed area shall not be classified as unincorporated area for determination of the percentage allocable to the county. If the qualified voters of any two or more cities, towns or villages in group A each vote to consolidate such cities, towns or villages, then such consolidated cities, towns or villages shall remain a part of group A. For the purpose of sections 66.600 to 66.630, population shall be as determined by the last federal decennial census or the latest census that determines the total population of the county and all political subdivisions therein. For the purpose of calculating the adjustment based on the percentage of unincorporated county population which is annexed after April 1, 1993, the accumulated percentage immediately before each census shall be used as the new percentage base after such census. After any annexation, incorporation or other municipal boundary change affecting the unincorporated area of the county, the chief elected official of the county shall certify the new population of the unincorporated area of the county and the percentage of the population which has been annexed or incorporated since April 1, 1993, to the director of revenue. After the adoption of the county sales tax ordinance, any city, town or village in group A may by adoption of an ordinance by its governing body cease to be a part of group A and become a part of group B. Within ten days after the adoption of the ordinance transferring the city, town or village from one group to the other, the clerk of the transferring city, town or village shall forward to the director of revenue, by registered mail, a certified copy of the ordinance. Distribution to such city as a part of its former group shall cease and as a part of its new group shall begin

on the first day of January of the year following notification to the director of revenue, provided such notification is received by the director of revenue on or before the first day of July of the year in which the transferring ordinance is adopted. If such notification is received by the director of revenue after the first day of July of the year in which the transferring ordinance is adopted, then distribution to such city as a part of its former group shall cease and as a part of its new group shall begin the first day of July of the year following such notification to the director of revenue. Once a group A city, town or village becomes a part of group B, such city may not transfer back to group A.

7. If any city, town or village shall hereafter change or alter its boundaries, the city clerk of the municipality shall forward to the director of revenue, by registered mail, a certified copy of the ordinance adding or detaching territory from the municipality. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map of the municipality clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the tax imposed by sections 66.600 to 66.630 shall be redistributed and allocated in accordance with the provisions of this section on the effective date of the change of the municipal boundary so that the proper percentage of group B distributable revenue is allocated to the municipality in proportion to any annexed territory. If any area of the unincorporated county elects to incorporate subsequent to the effective date of the county sales tax as set forth in sections 66.600 to 66.630, the newly incorporated municipality shall remain a part of group B. The city clerk of such newly incorporated municipality shall forward to the director of revenue, by registered mail, a certified copy of the incorporation election returns and a map of the municipality clearly showing the boundaries thereof.

The certified copy of the incorporation election returns shall reflect the effective date of the incorporation. Upon receipt of the incorporation election returns and map, the tax imposed by sections 66.600 to 66.630 shall be distributed and allocated in accordance with the provisions of this section on the effective date of the incorporation.

8. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

9. Except as modified in sections 66.600 to 66.630, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under sections 66.600 to 66.630.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 226, Page 8, Section 143.790, Line 245, by inserting after all of said section the following:

“170.310. 1. Each school district that operates a high school, and each charter school that

contains grades 9 to 12, shall provide instruction in cardiopulmonary resuscitation. Instruction may be embedded in any health education course in grades 9 to 12.

2. Instruction shall include hands-on practicing and skills testing to support cognitive learning. Instruction shall be through a program developed by the American Heart Association or the American Red Cross, or through a nationally recognized program based on the most current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation.

3. The teacher of the health education course shall not be required to be a certified trainer of cardiopulmonary resuscitation if the instruction is not designed to result in certification of students. Instruction that is designed to result in certification being earned shall be required to be taught by an authorized cardiopulmonary instructor. Schools may develop agreements with any local chapter of a voluntary organization of first responders to provide the required hands-on practice and skills testing.

4. Instruction as required under this section shall become a requirement for high school graduation for students graduating in the 2014-2015 school year and subsequent school years.

5. The department of elementary and secondary education may promulgate rules to implement this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 322**, entitled:

An Act to repeal sections 190.839, 198.439, 208.437, 208.480, 208.798, 338.550, and 633.401, RSMo, and to enact in lieu thereof seven new sections relating to certain provider taxes.

With House Amendment Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 322, Page 1, In the title, Line 3, by deleting the words, “certain provider taxes” and inserting in lieu thereof the words, “the collection and distribution of public money”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 322, Section A, Page 1, Line 3, by inserting the following after all of said Line:

“32.028. 1. There is hereby created a department of revenue in charge of a director appointed by the governor, by and with the advice and consent of the senate. The department shall collect all taxes and fees payable to the state as provided by law, **and may collect, upon referral by a state agency, debts owed to any state agency subject to section 32.420.**

2. The powers, duties and functions of the department of revenue, chapter 32 and others, are transferred by type I transfer to the department of revenue. All powers, duties and function of the collector of revenue are transferred to the director of the department by type I transfer and the position of collector of revenue is abolished.

3. The powers, duties and functions of the state tax commission, chapter 138 and others, are transferred by type III transfer to the department of revenue.

4. All of the powers, duties and functions of the state tax commission relating to administration of the corporation franchise tax, chapter 152, and others, are transferred by type I transfer to the department of revenue; provided, however, that the provision of section 138.430 relating to appeals from decisions of the director of revenue shall apply to these taxes.

5. All the powers, duties and functions of the highway reciprocity commission, chapter 301, are transferred by type II transfer to the department of revenue.

32.058. For all years beginning after January 1, 2012, notwithstanding the certified mail provisions contained in chapters 32, 140, 142, 143, 144, 147, 148, 149, and 302, the director of revenue may choose to mail any document by first class mail.

32.087. 1. Within ten days after the adoption of any ordinance or order in favor of adoption of any local sales tax authorized under the local sales tax law by the voters of a taxing entity, the governing body or official of such taxing entity shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance or order. The ordinance or order shall reflect the effective date thereof.

2. Any local sales tax so adopted shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the local sales tax, except as provided in subsection 18 of this section.

3. Every retailer within the jurisdiction of one or more taxing entities which has imposed one or more local sales taxes under the local sales tax law shall add all taxes so imposed along with the tax imposed by the sales tax law of the state of Missouri to the sale price and, when added, the combined tax shall constitute a part of the price, and shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. The combined rate of the state sales tax and all local sales taxes shall be the sum of the rates, multiplying the combined rate times the amount of the sale.

4. The brackets required to be established by the director of revenue under the provisions of section 144.285 shall be based upon the sum of the combined rate of the state sales tax and all local sales taxes imposed under the provisions of the local sales tax law.

5. The ordinance or order imposing a local sales tax under the local sales tax law shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall

be the sum of the combined rate of the state sales tax or state highway use tax and all local sales taxes imposed under the provisions of the local sales tax law.

6. On and after the effective date of any local sales tax imposed under the provisions of the local sales tax law, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect in addition to the sales tax for the state of Missouri all additional local sales taxes authorized under the authority of the local sales tax law. **The director shall retain one percent of the amount of any local sales or use tax collected for cost of collection.** All local sales taxes imposed under the local sales tax law together with all taxes imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

7. All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection of any local sales tax imposed under the local sales tax law except as modified by the local sales tax law.

8. All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services under the provisions of sections 144.010 to 144.525, as these sections now read and as they may hereafter be amended, it being the intent of this general assembly to ensure that the same sales tax exemptions granted from the state sales tax law also be granted under the local sales tax law, are hereby made applicable to the imposition and collection of all local sales taxes imposed under the local sales tax law.

9. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of the local sales tax law, and no additional permit or exemption certificate or retail certificate shall be required; except that the director of revenue may prescribe a form of exemption certificate for an exemption from any local sales tax imposed by the local sales tax law.

10. All discounts allowed the retailer under the provisions of the state sales tax law for the collection of and for payment of taxes under the provisions of the state sales tax law are hereby allowed and made applicable to any local sales tax collected under the provisions of the local sales tax law.

11. The penalties provided in section 32.057 and sections 144.010 to 144.525 for a violation of the provisions of those sections are hereby made applicable to violations of the provisions of the local sales tax law.

12. (1) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, all sales, except the sale of motor vehicles, trailers, boats, and outboard motors, shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's agent or employee shall be deemed to be consummated at the place of business from which he works.

(2) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, all sales of motor vehicles, trailers, boats, and outboard motors shall be deemed to be consummated

at the residence of the purchaser and not at the place of business of the retailer, or the place of business from which the retailer's agent or employee works.

(3) For the purposes of any local tax imposed by an ordinance or under the local sales tax law on charges for mobile telecommunications services, all taxes of mobile telecommunications service shall be imposed as provided in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended.

13. Local sales taxes imposed pursuant to the local sales tax law on the purchase and sale of motor vehicles, trailers, boats, and outboard motors shall not be collected and remitted by the seller, but shall be collected by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within a taxing entity imposing a local sales tax under the local sales tax law.

14. The director of revenue and any of his **or her** deputies, assistants and employees who have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the hands of the director of revenue under the provisions of the local sales tax law shall enter a surety bond or bonds payable to any and all taxing entities in whose behalf such funds have been collected under the local sales tax law in the amount of one hundred thousand dollars for each such tax; but the director of revenue may enter into a blanket bond covering himself **or herself** and all such deputies, assistants and employees. The cost of any premium for such bonds shall be paid by the director of revenue from the share of the collections under the sales tax law retained by the director of revenue for the benefit of the state.

15. The director of revenue shall annually report on his **or her** management of each trust fund which is created under the local sales tax law and administration of each local sales tax imposed under the local sales tax law. He **or she** shall provide each taxing entity imposing one or more local sales taxes authorized by the local sales tax law with a detailed accounting of the source of all funds received by him for the taxing entity. Notwithstanding any other provisions of law, the state auditor shall annually audit each trust fund. A copy of the director's report and annual audit shall be forwarded to each taxing entity imposing one or more local sales taxes.

16. Within the boundaries of any taxing entity where one or more local sales taxes have been imposed, if any person is delinquent in the payment of the amount required to be paid by him **or her** under the local sales tax law or in the event a determination has been made against him **or her** for taxes and penalty under the local sales tax law, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525. Where the director of revenue has determined that suit must be filed against any person for the collection of delinquent taxes due the state under the state sales tax law, and where such person is also delinquent in payment of taxes under the local sales tax law, the director of revenue shall notify the taxing entity in the event any person fails or refuses to pay the amount of any local sales tax due so that appropriate action may be taken by the taxing entity.

17. Where property is seized by the director of revenue under the provisions of any law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax imposed by the local sales tax law, the director of revenue shall permit the taxing entity to join in any sale of property to pay the delinquent taxes and penalties due the state and to the taxing entity under the local sales tax law. The proceeds from such sale shall first be applied to all sums due the state, and the remainder, if any, shall be applied to all sums due such taxing entity.

18. If a local sales tax has been in effect for at least one year under the provisions of the local sales tax law and voters approve reimposition of the same local sales tax at the same rate at an election as provided for in the local sales tax law prior to the date such tax is due to expire, the tax so reimposed shall become effective the first day of the first calendar quarter after the director receives a certified copy of the ordinance, order or resolution accompanied by a map clearly showing the boundaries thereof and the results of such election, provided that such ordinance, order or resolution and all necessary accompanying materials are received by the director at least thirty days prior to the expiration of such tax. Any administrative cost or expense incurred by the state as a result of the provisions of this subsection shall be paid by the city or county reimposing such tax.

32.088. 1. Beginning January 1, 2012, the possession of a statement from the department of revenue stating no tax is due under chapters 142, 143, 144, 147, and 149, and that no fees are due under sections 260.262 or 260.273, shall be a prerequisite to the issuance or renewal of any city or county occupation license or any state license required for conducting any business. The statement of no tax due shall be dated no longer than ninety days before the date of submission for application or renewal of the city or county license.

2. Beginning January 1, 2012, in lieu of subsection 1 of this section, the director may enter into an agreement with any state agency responsible for issuing any state license for conducting any business requiring the agency to provide the director of revenue with the name and Missouri tax identification number of each applicant for licensure within one month of the date the application is filed or at least one month prior to the anticipated renewal of a licensee's license. If such licensee is delinquent on any taxes under chapters 142, 143, 144, 147, and 149, or fees under sections 260.262 or 260.273, the director shall then send notice to each such entity and licensee. In the case of such delinquency or failure to file, the licensee's license shall be suspended within ninety days after notice of such delinquency or failure to file, unless the director of revenue verifies that such delinquency or failure has been remedied or arrangements have been made to achieve such remedy. The director of revenue shall, within ten business days of notification to the governmental entity issuing the license that the delinquency has been remedied or arrangements have been made to remedy such delinquency, send written notification to the licensee that the delinquency has been remedied. Tax liability paid in protest or reasonably founded disputes with such liability shall be considered paid for the purposes of this section.

32.383. 1. Notwithstanding the provisions of any other law to the contrary, with respect to taxes administered by the department of revenue and imposed in chapters 143 and 144, an amnesty from the assessment or payment of all penalties, additions to tax, and interest shall apply with respect to unpaid taxes or taxes due and owing reported and paid in full from August 1, 2011, to October 31, 2011, regardless of whether previously assessed, except for penalties, additions to tax, and interest paid before August 1, 2011. The amnesty shall apply only to state tax liabilities due or due but unpaid on or before December 31, 2010, and shall not extend to any taxpayer who at the time of payment is a party to any criminal investigations or to any civil or criminal litigation that is pending in any court of the United States or this state for nonpayment, delinquency, or fraud in relation to any state tax imposed by this state.

2. Upon written application by the taxpayer, on forms prescribed by the director of revenue, and upon compliance with the provisions of this section, the department of revenue shall not seek to collect any penalty, addition to tax, or interest that may be applicable. The department of revenue shall not

seek civil or criminal prosecution for any taxpayer for the taxable period for which the amnesty has been granted, unless subsequent investigation or audit shows that the taxpayer engaged in fraudulent or criminal conduct in applying for amnesty.

3. Amnesty shall be granted only to those taxpayers who have applied for amnesty within the period stated in this section, who have filed a tax return for each taxable period for which amnesty is requested, who have paid the entire balance due within sixty days of approval by the department of revenue, and who agree to comply with state tax laws for the next eight years from the date of the agreement. No taxpayer shall be entitled to a waiver of any penalty, addition to tax, or interest under this section unless full payment of the tax due is made in accordance with rules established by the director of revenue.

4. All taxpayers granted amnesty under this section shall comply with this state's tax laws for the eight years following the date of the amnesty agreement. If any such taxpayer fails to comply with all of this state's tax laws at any time during the eight years following the date of the agreement, all penalties, additions to tax, and interest that were waived under the amnesty agreement shall become due and owing immediately.

5. If a taxpayer elects to participate in the amnesty program established in this section as evidenced by full payment of the tax due as established by the director of revenue, that election shall constitute an express and absolute relinquishment of all administrative and judicial rights of appeal. No tax payment received under this section shall be eligible for refund or credit.

6. Nothing in this section shall be interpreted to disallow the department of revenue to adjust a taxpayer's tax return as a result of any state or federal audit.

7. All tax payments received as a result of the amnesty program established in this section, other than revenues earmarked by the Constitution of Missouri or this state's statutes, shall be deposited in the state general revenue fund.

8. The department may promulgate rules or issue administrative guidelines as are necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after July 1, 2011, shall be invalid and void.

32.385. 1. The director of revenue and the commissioner of administration may jointly enter into a reciprocal collection and offset of indebtedness agreement with the federal government, under which the State will offset from state tax refunds and from payments otherwise due to vendors and contractors providing goods or services to state departments, agencies, or other state agencies non-tax debt owed to the federal government; and the federal government will offset from federal payments to vendors, contractors, and taxpayers debt owed to the state of Missouri.

2. When used in this section, the following words, terms, and phrases are defined as set forth herein:

(1) "Federal official" means a unit or official of the federal government charged with the collection

of non-tax liabilities payable to the federal government under 31 U.S.C. section 3716.

(2) “State agency” means any department, division, board, commission, office, or other agency of the state of Missouri.

(3) “Non-tax liability due the state” means a liability certified to the director of revenue by a state agency and shall include, but shall not be limited to, fines, fees, penalties, and other non-tax assessments imposed by or payable to any state agency that is finally determined to be due and owing.

(4) “Person” means an individual, partnership, society, association, joint stock company, corporation, public corporation, or any public authority, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity whether appointed by a court or otherwise, and any combination of the foregoing.

(5) “Refund” means an amount described as a refund of tax under the provisions of the state tax law that authorized its payment.

(6) “Vendor payment” means any payment, other than a refund, made by the state to any person or entity, and shall include but shall not be limited to any expense reimbursement to an employee of the state; but shall not include a person’s salary, wages, or pension.

(7) “Offset agreement” is the agreement authorized by this section.

3. Under the offset agreement, a federal official may:

(1) Certify to the state of Missouri the existence of a person’s delinquent non-tax liability owed by the person to the federal government; and

(2) Request that the state of Missouri withhold any refund and vendor payment to which the person is entitled.

(3) Certify and request the state of Missouri to withhold a refund or vendor payment only if the laws of the United States:

(a) Allow the state of Missouri to enter into a reciprocal agreement with the United States, under which the federal official would be authorized to offset federal payments to collect delinquent tax and non-tax debts owed to the state; and

(b) Provide for the payment of the amount withheld to the state.

(4) Retain a portion of the proceeds of any collection setoff as provided under the setoff agreement.

4. Under the offset agreement, a certification by a federal official to the state of Missouri shall include:

(1) the full name of the person and any other names known to be used by the person;

(2) the social security number or federal tax identification number;

(3) the amount of the non-tax liability; and

(4) a statement that the debt is past due and legally enforceable in the amount certified.

5. If a person for whom a certification is received from a federal official is due a refund of Missouri tax or a vendor payment, the agreement may provide that the state of Missouri shall:

(1) withhold a refund or vendor payment that is due a person whose name has been certified by a federal official;

(2) in accordance with the provisions of the offset agreement, notify the person of the amount withheld in satisfaction of a liability certified by a federal official;

(3) pay to the federal official the lesser of:

(a) the entire refund or vendor payment; or

(b) the amount certified; and

(4) pay any refund or vendor payment in excess of the certified amount to the person.

6. Under the agreement, the director of revenue shall:

(1) certify to a federal official the existence of a person's delinquent tax or non-tax liability due the state owed by the person to any state agency;

(2) request that the federal official withhold any eligible vendor payment to which the person is entitled; and

(3) provide for the payment of the amount withheld to the state.

7. A certification by a state agency to the director of revenue and by the director of revenue to the federal official under the offset agreement shall include:

(1) the full name and address of the person and any other names known to be used by the person;

(2) the social security number or tax identification number;

(3) the amount of the tax or non-tax liability;

(4) a statement that the debt is past due and legally enforceable in the amount certified; and

(5) any other information required by federal statute or regulation applicable to the collection of the debt by offset of federal payments.

8. Any other provisions of law to the contrary notwithstanding, the director of revenue and the commissioner of administration shall have the authority to enter into reciprocal agreements with any other state which extends a like comity to this state to set off offset from state tax refunds and from payments otherwise due to vendors and contractors providing goods or services to state departments, agencies, or other state agencies non-tax debt for debts due the other state that extends a like comity to this state.

32.410. As used in sections 32.410 to 32.460, the following terms shall mean:

(1) "Debt", an amount owed to the state directly or through a state agency, on account of a fee, duty, lease, direct loan, loan insured or guaranteed by the state, rent, service, sale of real or personal property, overpayment, fine, assessment, penalty, restitution, damages, interest, tax, bail bond, forfeiture, reimbursement, liability owed, an assignment, recovery of costs incurred by the state, or any other source of indebtedness to the state;

(2) "Debtor", an individual, a corporation, a partnership, an unincorporated association, a limited liability company, a trust, an estate, or any other public or private entity, including a state, local, or federal government, or an Indian tribe, that is liable for a debt or against whom there is a claim for

a debt;

(3) “Department”, the department of revenue;

(4) “State agency”, any division, board, commission, office, or other agency of the state of Missouri, including public community college districts and any state or municipal court.

32.420. 1. Notwithstanding any other provision of law to the contrary, all state agencies may refer to the department for collection debts owed to them. The department may provide collection services on debts referred to the department by a state agency. This authority shall not supersede the authority granted to the attorney general under section 27.060 or any other statute.

2. A referring agency may refer the debt to the department for collection at any time after a debt becomes delinquent and uncontested and the debtor shall have no further administrative appeal of the amount of the debt. Methods and procedures for referral shall be governed by an agreement between the referring agency and the department.

3. The collection procedures and remedies under this chapter are in addition to any other procedure or remedy available by law. If the state agency’s applicable state or federal law requires the use of a particular remedy or procedure for the collection of a debt, that particular remedy or procedure shall govern the collection of that debt to the extent the procedure or remedy is inconsistent with this chapter.

4. The state agency shall send notice to the debtor by United States regular mail at the debtor’s last known address at least twenty days before the debt is referred to the department. The notice shall state the nature and amount of the debt, identify to whom the debt is owed, and inform the debtor of the remedies available under this chapter or the state agency’s own procedures.

32.430. 1. Except as otherwise provided in this section, the department shall have the authority to use all general remedies afforded creditors of this state in collection of debt as well as any remedies afforded the state agency referring the debt and to the state in general as a creditor. The department shall not have authority to prosecute or defend civil actions on behalf of any other state agency, except as necessary to defend any challenges made to actions under section 143.902 or section 140.910 for a debt referred by a state agency or to prosecute an action under subsection 10 of section 140.910.

2. In addition to the remedies identified in sections 32.410 to 32.460, the department may use the collection remedies afforded under section 143.902 and section 140.910 in the collection of any state debt referred to the department.

3. The department may employ department staff and attorneys, and at the department’s discretion, prosecuting attorneys and private collection agencies as authorized in sections 136.150 and 140.850 in seeking collection of debts referred to the department by a state agency.

32.440. 1. The department shall add to the amount of debt referred to the department by a state agency the cost of collection which shall be ten percent of the total debt referred by the state agency. The department shall have the same authority to collect the cost of collection as the department has in collecting the debt referred by the state agency.

2. The cost of collection shall only be waived when:

(1) Within thirty days after the initial notice to the debtor by the department, the debtor establishes to the department reasonable cause for the failure to pay the debt prior to referral of the

debt to the department, enters into an agreement satisfactory to the department to pay the debt in full, and fully abides by the terms of that agreement;

(2) A good faith dispute as to the legitimacy or the amount of the debt exists, and payment is remitted or an agreement satisfactory to the department to pay the debt in full is entered into within thirty days after resolution of the dispute, and the debtor fully abides by the terms of that agreement; or

(3) Collection costs have been added by the state agency and are included in the amount of the referred debt.

3. If the department collects an amount less than the total due, the payment shall be applied proportionally to collection costs and the underlying debt unless the department has waived this requirement for certain categories of debt. Collection costs collected by the department under this section shall be deposited in the general revenue fund.

32.450. The department may compromise state debt referred to the department in accordance with section 32.378 and any agreement with the referring agency.

32.460. The department and state agencies, including the judiciary, may exchange information, including the debtor's Social Security number, as is necessary for the successful collection of the state debt referred. The referring state agency shall follow all applicable federal and state laws regarding the confidentiality of information and records regarding the debtor. The confidentiality laws applicable to the particular information received and retained by each agency shall apply to the employees of the state agency and to the department when the information has been forwarded to the department.

105.716. 1. Any investigation, defense, negotiation, or compromise of any claim covered by sections 105.711 to 105.726 shall be conducted by the attorney general; provided, that in the case of any claim against the department of conservation, the department of transportation or a public institution which awards baccalaureate degrees, or any officer or employee of such department or such institution, any investigation, defense, negotiation, or compromise of any claim covered by sections 105.711 to 105.726 shall be conducted by legal counsel provided by the respective entity against which the claim is made or which employs the person against whom the claim is made. In the case of any payment from the state legal expense fund based upon a claim or judgment against the department of conservation, the department of transportation or any officer or employee thereof, the department so affected shall immediately transfer to the state legal expense fund from the department funds a sum equal to the amount expended from the state legal expense fund on its behalf.

2. All persons and entities protected by the state legal expense fund shall cooperate with the attorneys conducting any investigation and preparing any defense under the provisions of sections 105.711 to 105.726 by assisting such attorneys in all respects, including the making of settlements, the securing and giving of evidence, and the attending and obtaining witness to attend hearings and trials. Funds in the state legal expense fund shall not be used to pay claims and judgments against those persons and entities who do not cooperate as required by this subsection.

3. The provisions of sections 105.711 to 105.726 notwithstanding, the attorney general may investigate, defend, negotiate, or compromise any claim covered by sections 105.711 to 105.726 against any public institution which awards baccalaureate degrees whose governing body has declared a state of financial

exigency.

4. Notwithstanding the provisions of subsection 2 of section 105.711, funds in the state legal expense fund may be expended prior to the payment of any claim or any final judgment to pay costs of defense, including reasonable attorney's fees for retention of legal counsel, when the attorney general determines that a conflict exists or particular expertise is required, and also to pay for related legal expenses including medical examination fees, expert witness fees, court reporter expenses, travel costs and ancillary legal expenses incurred prior to the payment of a claim or any final judgment.

5. Notwithstanding any other provision of law to the contrary, except for payments of less than ten thousand dollars for property damage, no funds shall be expended from the state legal expense fund for settlement of any liability claim except upon the production of a no tax due statement from the department of revenue by the party making claim or having judgment under section 105.711, which shall be satisfied from such fund. If the party is found by the director of revenue to owe a delinquent tax debt to the state of Missouri under the revenue laws of this state, after the payment of attorneys fees and expenses associated with creating the liability of the fund to the party, any remaining funds to be paid to the party from the state legal expense fund shall be offset to satisfy such tax debt before payment is made to the party making claim or having judgment.

136.055. 1. Any person who is selected or appointed by the state director of revenue as provided in subsection 2 of this section to act as an agent of the department of revenue, whose duties shall be the processing of motor vehicle title and registration transactions and the collection of sales and use taxes when required under sections 144.070 and 144.440, and who receives no salary from the department of revenue, shall be authorized to collect from the party requiring such services additional fees as compensation in full and for all services rendered on the following basis:

(1) For each motor vehicle or trailer registration issued, renewed or transferred--three dollars and fifty cents and seven dollars for those licenses sold or biennially renewed pursuant to section 301.147;

(2) For each application or transfer of title--two dollars and fifty cents;

(3) For each instruction permit, nondriver license, chauffeur's, operator's or driver's license issued for a period of three years or less--two dollars and fifty cents and five dollars for licenses or instruction permits issued or renewed for a period exceeding three years;

(4) For each notice of lien processed--two dollars and fifty cents;

(5) No notary fee or other fee or additional charge shall be paid or collected except for electronic telephone transmission reception--two dollars.

2. The director of revenue shall award fee office contracts under this section through a competitive bidding process. The competitive bidding process shall give priority to organizations and entities that are exempt from taxation under Section 501(c)(3) or 501(c)(6) of the Internal Revenue Code of 1986, as amended, and political subdivisions, including but not limited to, municipalities, counties, and fire protection districts. The director of the department of revenue may promulgate rules and regulations necessary to carry out the provisions of this subsection. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this subsection shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule

are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

3. All fees collected by a tax-exempt organization may be retained and used by the organization.

4. All fees charged shall not exceed those in this section. The fees imposed by this section shall be collected by all permanent offices and all full-time or temporary offices maintained by the department of revenue.

5. Any person acting as agent of the department of revenue for the sale and issuance of registrations, licenses, and other documents related to motor vehicles shall have an insurable interest in all license plates, licenses, tabs, forms and other documents held on behalf of the department.

6. Any person acting as agent of the department of revenue for the collection of sales and use tax when required under sections 144.070 and 144.440 shall be entitled to deduct and retain an amount equal to two percent of the motor vehicle sales tax under section 144.140 to offset the actual cost incurred by such person, on behalf of the department of revenue, in the collection of such taxes in accordance with the provisions of Article IV, Section 30(b) of the Missouri Constitution.

7. The fees authorized by this section shall not be collected by motor vehicle dealers acting as agents of the department of revenue under section 32.095 or those motor vehicle dealers authorized to collect and remit sales tax under subsection 8 of section 144.070.

[7.] **8.** Notwithstanding any other provision of law to the contrary, the state auditor may audit all records maintained and established by the fee office in the same manner as the auditor may audit any agency of the state, and the department shall ensure that this audit requirement is a necessary condition for the award of all fee office contracts. No confidential records shall be divulged in such a way to reveal personally identifiable information.

140.910. 1. In addition to any other remedy provided by law for the collection of delinquent taxes due the state of Missouri, if the director has filed a certificate of lien in the circuit court as provided by section 143.902, 144.380, or 144.690, the director or his or her designee may issue an order directing any person to withhold and pay over to the department assets belonging to, due, or to become due the taxpayer. The director or his or her designee shall not issue the administrative garnishment if the taxpayer has entered into a written agreement with the department for an alternative payment arrangement and the taxpayer is in compliance with the agreement.

2. An order entered under this section shall be served on the person or other legal entity either by regular mail or by certified mail, return receipt requested, or may be issued through electronic means, and shall be binding on the employer or other payor two weeks after mailing or electronic issuance of such service. The person or other entity in possession of assets belonging to, due, or to become due the taxpayer may deduct an additional sum not to exceed six dollars per month as reimbursement for costs, except that the total amount withheld shall not exceed the limitations contained in the federal Consumer Credit Protection Act, 15 U.S.C. 1673.

3. A copy of the order shall be mailed to the taxpayer at the taxpayer's last known address. The notice shall advise the taxpayer that the administrative garnishment has commenced and the procedures to contest such garnishment on the grounds that such garnishment is improper due to a mistake of fact by requesting a hearing within thirty days from mailing or electronic issuance of the notice. At such a hearing the certified records of the department shall constitute prima facie evidence

that the director's order is valid and enforceable. If a prima facie case is established, the obligor may only assert as a defense mistake as to the identity of the taxpayer, mistake as to payments made, or existence of an alternative payment agreement for which no default has occurred. The taxpayer shall have the burden of proof on such issues. The taxpayer may obtain relief from the garnishment by paying the amount owed.

4. An employer or other payor shall withhold from the earnings or other income of each taxpayer the amount specified in the order. The employer or other payor shall transmit the payments as directed in the order within ten business days of the date the earnings, money due, or other income was payable to the taxpayer. For purposes of this section, "business day" means a day that state offices are open for regular business. The employer or other payor shall, along with the amounts transmitted, provide the date the amount was withheld from the taxpayer.

5. An order issued under subsection 1 of this section shall be a continuing order and shall remain in effect and be binding upon any employer or other payor upon whom it is directed until a further order of the director. The director shall notify an employer or other payor upon whom such an order has been directed whenever the deficiency is paid in full.

6. If the order is served on a person other than an employer or other payor, it shall be a lien against any money belonging to the taxpayer that is in the possession of the person on the date of service. The person other than an employer or other payor shall pay over any assets within ten business days of the service date of the order. A financial institution ordered to surrender an account shall be entitled to collect its normally scheduled account activity surcharges to maintain the account during the period of time the account is garnished. For purposes of this section, the interest of the taxpayer in any joint financial accounts shall be presumed to be equal to all other joint owners.

7. An order issued under subsection 1 of this section shall have priority over any other legal process under state law against the same income or other asset, except that where the other legal process is an order issued under section 452.350, 454.505, or 454.507, the withholding for child support shall have priority.

8. No person who complies with an order entered under this section shall be liable to the taxpayer, or to any other person claiming rights derived from the taxpayer, for wrongful withholding. A person who fails or refuses to withhold or pay the amounts as ordered under this section shall be liable to the state in a sum equal to the value of the wages or property not surrendered, but not to exceed the amount of tax deficiency. The director is hereby authorized to bring an action in circuit court to determine the liability of a person for failure to withhold or pay the amounts as ordered. If a court finds that a violation has occurred, the court may fine the person in an amount not to exceed five hundred dollars. The court may also enter a judgment against the person or other legal entity for the amounts to be withheld or paid, court costs, and reasonable attorney's surcharges.

9. The remedy provided by this section shall be available where the state or any of its political subdivisions is the employer or other payor of the taxpayer in the same manner and to the same extent as where the employer or other payor is a private party.

10. An employer shall not discharge, or refuse to hire or otherwise discipline, an employee as a result of an order to withhold and pay over certain money authorized by this section. If any such employee is discharged within thirty days of the date upon which an order to withhold and pay over certain money is to take effect, there shall arise a rebuttable presumption that such discharge was a

result of such order. This presumption shall be overcome only by clear, cogent and convincing evidence produced by the employer that the employee was not terminated because of the order to withhold and pay over certain money. The director or his or her designee is hereby authorized to bring an action in circuit court to determine whether the discharge constitutes a violation of this subsection. If the court finds that a violation has occurred, the court may enter an order against the employer requiring reinstatement of the employee and may fine the employer in an amount not to exceed five hundred dollars. Further, the court may enter judgment against the employer for the back wages, costs, attorney's surcharges, and for the amount of taxes that should have been withheld and paid over during the period of time the employee was wrongfully discharged.

11. If a taxpayer for whom an order to withhold has been issued under subsection 1 of this section terminates the taxpayer's employment, the employer shall, within ten days of the termination, notify the department of the termination, shall provide to the department the last known address of the taxpayer, if known to the employer, and shall provide to the department the name and address of the taxpayer's new employer, if known. The director or his or her designee may issue an order to the new employer as provided in subsection 1 of this section.

12. For purposes of this section, "assets" include, but are not limited to, currency, any financial account or other liquid asset, and any income or other periodic form of payment due to a taxpayer regardless of source, including, but not limited to, wages, salaries, commissions, bonuses, workers' compensation benefits, disability benefits, payments pursuant to a pension or a retirement program, and interest.

144.083. 1. The director of revenue shall require all persons who are responsible for the collection of taxes under the provisions of section 144.080 to procure a retail sales license at no cost to the licensee which shall be prominently displayed at the licensee's place of business, and the license is valid until revoked by the director or surrendered by the person to whom issued when sales are discontinued. The director shall issue the retail sales license within ten working days following the receipt of a properly completed application. Any person applying for a retail sales license or reinstatement of a revoked sales tax license who owes any tax under sections 144.010 to 144.510 or sections 143.191 to 143.261 must pay the amount due plus interest and penalties before the department may issue the applicant a license or reinstate the revoked license. All persons beginning business subsequent to August 13, 1986, and who are required to collect the sales tax shall secure a retail sales license prior to making sales at retail. Such license may, after ten days' notice, be revoked by the director of revenue only in the event the licensee shall be in default for a period of sixty days in the payment of any taxes levied under section 144.020 or sections 143.191 to 143.261. Notwithstanding the provisions of section 32.057 in the event of revocation, the director of revenue may publish the status of the business account including the date of revocation in a manner as determined by the director.

2. The possession of a retail sales license and a statement from the department of revenue that the licensee owes no tax due under [sections 144.010 to 144.510 or sections 143.191 to 143.261] **section 32.088** shall be a prerequisite to the issuance or renewal of any city or county occupation license or any state license which is required for conducting any business [where goods are sold at retail]. The date of issuance on the statement that the licensee owes no tax due shall be no more than ninety days before the date of submission for application or renewal of the local license. The revocation of a retailer's license by the director shall render the occupational license or the state license null and void.

3. No person responsible for the collection of taxes under section 144.080 shall make sales at retail unless such person is the holder of a valid retail sales license. After all appeals have been exhausted, the director of revenue may notify the county or city law enforcement agency representing the area in which the former licensee's business is located that the retail sales license of such person has been revoked, and that any county or city occupation license of such person is also revoked. The county or city may enforce the provisions of this section, and may prohibit further sales at retail by such person.

4. In addition to the provisions of subsection 2 of this section, beginning January 1, 2009, **and until December 31, 2011**, the possession of a statement from the department of revenue stating no tax is due under sections 143.191 to 143.265 or sections 144.010 to 144.510 shall also be a prerequisite to the issuance or renewal of any city or county occupation license or any state license required for conducting any business where goods are sold at retail. The statement of no tax due shall be dated no longer than ninety days before the date of submission for application or renewal of the city or county license.

5. Notwithstanding any law or rule to the contrary, sales tax shall only apply to the sale price paid by the final purchaser and not to any off-invoice discounts or other pricing discounts or mechanisms negotiated between manufacturers, wholesalers, and retailers.

168.071. 1. The state board of education may refuse to issue or renew a certificate, or may, upon hearing, discipline the holder of a certificate of license to teach for the following causes:

(1) A certificate holder or applicant for a certificate has pleaded to or been found guilty of a felony or crime involving moral turpitude under the laws of this state, any other state, of the United States, or any other country, whether or not sentence is imposed;

(2) The certification was obtained through use of fraud, deception, misrepresentation or bribery;

(3) There is evidence of incompetence, immorality, or neglect of duty by the certificate holder;

(4) A certificate holder has been subject to disciplinary action relating to certification issued by another state, territory, federal agency, or country upon grounds for which discipline is authorized in this section; [or]

(5) If charges are filed by the local board of education, based upon the annulling of a written contract with the local board of education, for reasons other than election to the general assembly, without the consent of the majority of the members of the board that is a party to the contract; **or**

(6) Beginning, January 1, 2012, the government entity issuing a valid certificate of license to teach in Missouri under section 168.011, shall at least one time each year provide the name and Social Security number of each certificate holder or applicant for certificate of a license to teach in Missouri to the director of revenue. The director of revenue shall at least one time each year check the status of each certificate holder or applicant for certificate of a license to teach in Missouri against a database developed by the director to determine if all state income tax returns have been filed and all state income taxes owed have been paid. If such certificate holder or applicant for certificate of a license to teach in Missouri is delinquent on any state taxes, or has failed to file state income tax returns in the last three years, the director shall then send notice to the certificate holder or applicant for certificate of a license to teach in Missouri and the department of elementary and secondary education. In the case of such delinquency or failure to file, the certificate holder's license shall be suspended within ninety days after notice of such delinquency or failure to file, and the applicant for certificate's license shall not be issued unless the director of revenue verifies that such certificate

holder or applicant for certificate has remedied such delinquency or failure or has made arrangements to achieve such remedy. The director of revenue shall, within ten business days of notification to the government entity issuing the certificate of license to teach, that the delinquency has been remedied or arrangements have been made to remedy such delinquency, and send written notification to the certificate holder or applicant for certificate that the delinquency has been remedied. Tax liability paid in protest or reasonably founded disputes with such liability shall be considered paid for the purposes of this section.

2. A public school district may file charges seeking the discipline of a holder of a certificate of license to teach based upon any cause or combination of causes outlined in subsection 1 of this section, including annulment of a written contract. Charges shall be in writing, specify the basis for the charges, and be signed by the chief administrative officer of the district, or by the president of the board of education as authorized by a majority of the board of education. The board of education may also petition the office of the attorney general to file charges on behalf of the school district for any cause other than annulment of contract, with acceptance of the petition at the discretion of the attorney general.

3. The department of elementary and secondary education may file charges seeking the discipline of a holder of a certificate of license to teach based upon any cause or combination of causes outlined in subsection 1 of this section, other than annulment of contract. Charges shall be in writing, specify the basis for the charges, and be signed by legal counsel representing the department of elementary and secondary education.

4. If the underlying conduct or actions which are the basis for charges filed pursuant to this section are also the subject of a pending criminal charge against the person holding such certificate, the certificate holder may request, in writing, a delayed hearing on advice of counsel under the fifth amendment of the Constitution of the United States. Based upon such a request, no hearing shall be held until after a trial has been completed on this criminal charge.

5. The certificate holder shall be given not less than thirty days' notice of any hearing held pursuant to this section.

6. Other provisions of this section notwithstanding, the certificate of license to teach shall be revoked or, in the case of an applicant, a certificate shall not be issued, if the certificate holder or applicant has pleaded guilty to or been found guilty of any of the following offenses established pursuant to Missouri law or offenses of a similar nature established under the laws of any other state or of the United States, or any other country, whether or not the sentence is imposed:

(1) Any dangerous felony as defined in section 556.061 or murder in the first degree;

(2) Any of the following sexual offenses: rape; statutory rape in the first degree; statutory rape in the second degree; sexual assault; forcible sodomy; statutory sodomy in the first degree; statutory sodomy in the second degree; child molestation in the first degree; child molestation in the second degree; deviate sexual assault; sexual misconduct involving a child; sexual misconduct in the first degree; sexual abuse; enticement of a child; or attempting to entice a child;

(3) Any of the following offenses against the family and related offenses: incest; abandonment of child in the first degree; abandonment of child in the second degree; endangering the welfare of a child in the first degree; abuse of a child; child used in a sexual performance; promoting sexual performance by a child; or trafficking in children; and

(4) Any of the following offenses involving child pornography and related offenses: promoting obscenity in the first degree; promoting obscenity in the second degree when the penalty is enhanced to a class D felony; promoting child pornography in the first degree; promoting child pornography in the second degree; possession of child pornography in the first degree; possession of child pornography in the second degree; furnishing child pornography to a minor; furnishing pornographic materials to minors; or coercing acceptance of obscene material.

7. When a certificate holder pleads guilty or is found guilty of any offense that would authorize the state board of education to seek discipline against that holder's certificate of license to teach, the local board of education or the department of elementary and secondary education shall immediately provide written notice to the state board of education and the attorney general regarding the plea of guilty or finding of guilty.

8. The certificate holder whose certificate was revoked pursuant to subsection 6 of this section may appeal such revocation to the state board of education. Notice of this appeal must be received by the commissioner of education within ninety days of notice of revocation pursuant to this subsection. Failure of the certificate holder to notify the commissioner of the intent to appeal waives all rights to appeal the revocation. Upon notice of the certificate holder's intent to appeal, an appeal hearing shall be held by a hearing officer designated by the commissioner of education, with the final decision made by the state board of education, based upon the record of that hearing. The certificate holder shall be given not less than thirty days' notice of the hearing, and an opportunity to be heard by the hearing officer, together with witnesses.

9. In the case of any certificate holder who has surrendered or failed to renew his or her certificate of license to teach, the state board of education may refuse to issue or renew, or may suspend or revoke, such certificate for any of the reasons contained in this section.

10. In those cases where the charges filed pursuant to this section are based upon an allegation of misconduct involving a minor child, the hearing officer may accept into the record the sworn testimony of the minor child relating to the misconduct received in any court or administrative hearing.

11. Hearings, appeals or other matters involving certificate holders, licensees or applicants pursuant to this section may be informally resolved by consent agreement or agreed settlement or voluntary surrender of the certificate of license pursuant to the rules promulgated by the state board of education.

12. The final decision of the state board of education is subject to judicial review pursuant to sections 536.100 to 536.140.

13. A certificate of license to teach to an individual who has been convicted of a felony or crime involving moral turpitude, whether or not sentence is imposed, shall be issued only upon motion of the state board of education adopted by a unanimous affirmative vote of those members present and voting.” ; and

Further amend said bill, Page 5, Section 633.401, Line 94, by inserting after all of said section and line the following:

“Section B. Because immediate action is necessary to secure adequate state revenue, the enactment of section 32.383 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 32.383 of section A of this act shall be in full force and effect upon its passage and approval.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.
Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.
In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS No. 2** for **SCS** for **SB 320**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 59**, entitled:

An Act to repeal sections 404.710, 456.3-301, 456.5-505, 456.8-813, 469.411, 469.437, 469.459, 475.060, 475.061, and 475.115, RSMo, and to enact in lieu thereof thirty-seven new sections relating to judicial procedures.

With House Amendment Nos. 1, 2, 3, 4, 5, 6, House Amendment No. 1 to House Amendment No. 7 and House Amendment No. 7, as amended.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 59, Page 4, Section 404.710, Lines 91-92 by deleting from said lines the words “, **including, but not limited to exercising and giving consent to a do-not-resuscitate order on behalf on the principal**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 59, Page 3, Section 404.710, Lines 65-69 by deleting all of said lines and inserting in lieu thereof the following:

“(1) To execute, amend or revoke any trust agreement;”; and

Further amend said bill and page and section, Line 85 by deleting all of said line and inserting in lieu thereof the following:

“(8) To make [a] **an anatomical** gift of, or [decline to make a] **prohibit [a] an anatomical** gift of, **all**”; and

Further amend said bill and section, Page 4, Lines 91-92 by deleting all of said lines and inserting in lieu thereof the following:

“procedure to the extent authorized by sections 404.800 to 404.865;”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 59, Page 18, Section 475.115, Lines 9 and 10, by deleting the phrase “**and the ward does not file an answer opposing the petition for transfer**”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 59, Page 27, Section 475.555, Line 5 by inserting after all of said section and line the following:

“[490.660. Sections 490.660 to 490.690 may be cited as “The Uniform Business Records as Evidence Law”.]

[490.670. The term “business” shall include every kind of business, profession, occupation, calling or operation of institutions, whether carried on for profit or not.]

[490.680. A record of an act, condition or event, shall, insofar as relevant, be competent evidence if the custodian or other qualified witness testifies to its identity and the mode of its preparation, and if it was made in the regular course of business, at or near the time of the act, condition or event, and if, in the opinion of the court, the sources of information, method and time of preparation were such as to justify its admission.]

[490.690. Sections 490.660 to 490.690 shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.]

[490.692. 1. Any records or copies of records reproduced in the ordinary course of business by any photographic, photostatic, microfilm, microcard, miniature photographic, optical disk imaging, or other process which accurately reproduces or forms a durable medium for so reproducing the original that would be admissible under sections 490.660 to 490.690 shall be admissible as a business record, subject to other substantive or procedural objections, in any court in this state upon the affidavit of the person who would otherwise provide the prerequisites of sections 490.660 to 490.690, that the records attached to the affidavit were kept as required by section 490.680.

2. No party shall be permitted to offer such business records into evidence pursuant to this section unless all other parties to the action have been served with copies of such records and such affidavit at least seven days prior to the day upon which trial of the cause commences.

3. The affidavit permitted by this section may be in form and content substantially as follows:

THE STATE OF..... COUNTY
OF..... AFFIDAVIT

Before me, the undersigned authority, personally appeared, who, being by me duly sworn, deposed as follows:

My name is, I am of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

I am the custodian of the records of Attached hereto are pages of records from
.... These pages of records are kept by in the regular course of business, and it was the regular course of business of for an employee or representative of with knowledge of the act, event, condition, opinion, or diagnosis recorded to make the record or to transmit information thereof to be included in such record; and the record was made at or near the time of the act, event, condition, opinion or diagnosis. The records attached hereto are the original or exact duplicates of the original.

.....

Affiant

In witness whereof I have hereunto subscribed my name and affixed my official seal this
day of, 20... ..

(Signed)

(Seal)]

490.660. Sections 490.660 to 490.699 may be cited as “The Records of Regularly Conducted Activity as Evidence Law.”

490.670. The term “business” includes business, institution, association, profession, occupation and calling of every kind, whether or not conducted for profit.

490.680. The following is not excluded by any hearsay rule, even though the declarant is available as a witness: A memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses, made at or near the time by, or from information transmitted by, a person with knowledge, if kept in the course of a regularly conducted business activity, and if it was the regular practice of that business activity to make the memorandum, report, record or data compilation.

490.690. Sections 490.660 to 490.699 shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states with such laws and/or rules of evidence regarding the admissibility of third party business records.

490.692. Extrinsic evidence of authenticity as a condition precedent to admissibility is not required with respect to the original or a duplicate of a record of regularly conducted activity if accompanied by a written certification of its custodian or other qualified person that the record

(A) was made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of these matters;

(B) was kept in the course of the regularly conducted activity; and

(C) was made by the regularly conducted activity as a regular practice.

The word “certification” as used in this subsection means with respect to a domestic record, a written declaration under oath subject to the penalty of perjury and, with respect to a record maintained or located in a foreign country, or written declaration signed in a country which, if falsely made, would subject the maker to criminal penalty under the laws of the country. A party intending to offer a record into evidence under this paragraph must provide written notice of that intention to all adverse parties, and must make the record and certification available for inspection sufficiently in advance of their offer into evidence to provide an adverse party with a fair opportunity to challenge them.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 59, Page 27, Section 475.555, Line 5, by inserting after all of said section and line, the following:

“482.305. When sitting as a small claims court, the judge shall have original jurisdiction of all civil

cases, whether tort or contract, where the amount in controversy does not exceed [three] **five** thousand dollars, exclusive of interest or costs, or as provided in this chapter.

482.315. 1. If the amount in controversy in an action exceeds [three] **five** thousand dollars, a plaintiff may file and prosecute a small claims action for recovery of money, but such plaintiff waives any claim for any sum in excess of [three] **five** thousand dollars in that or in any subsequent proceeding involving the same parties and issues.

2. In an action transferred under section 482.325, the plaintiff or defendant may amend the claim or counterclaim to a dollar amount not to exceed the jurisdictional limit of the division of the circuit court to which the action was transferred.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 59, Page 27, Section 475.555, Line 5, by inserting after all of said section and line the following:

“568.040. 1. A person commits the crime of nonsupport if such person knowingly fails to provide, without good cause, adequate support for his or her spouse; a parent commits the crime of nonsupport if such parent knowingly fails to provide, without good cause, adequate support which such parent is legally obligated to provide for his or her child or stepchild who is not otherwise emancipated by operation of law.

2. For purposes of this section:

(1) **“Arrearage”, includes any reduction or abatement of a support obligation for the period of time from the filing of a modification until such modification is awarded if a reduction or abatement of the support obligation is applied to such time period. Arrearage also includes any amount waived by the custodial parent under an order of support issued by a court of competent jurisdiction or any authorized administrative agency;**

(2) **“Child”** means any biological or adoptive child, or any child whose paternity has been established under chapter 454, or chapter 210, or any child whose relationship to the defendant has been determined, by a court of law in a proceeding for dissolution or legal separation, to be that of child to parent;

[(2)] (3) **“Good cause”** means any substantial reason why the defendant is unable to provide adequate support. Good cause does not exist if the defendant purposely maintains his **or her** inability to support;

[(3)] (4) **“Support”** means food, clothing, lodging, and medical or surgical attention;

[(4)] (5) It shall not constitute a failure to provide medical and surgical attention, if nonmedical remedial treatment recognized and permitted under the laws of this state is provided.

3. Inability to provide support for good cause shall be an affirmative defense under this section. A person who raises such affirmative defense has the burden of proving the defense by a preponderance of the evidence.

4. The defendant shall have the burden of injecting the issues raised by subdivisions (2) and (4) of subsection 2 and subsection 3 of this section.

5. Criminal nonsupport is a class A misdemeanor, unless the total arrearage is in excess of an aggregate of [twelve] **eighteen** monthly payments due under any order of support issued by any court of competent

jurisdiction or any authorized administrative agency, in which case it is a class D felony. **In the event that the revisor of statutes is notified by the director of economic development that the Missouri unemployment rate has remained at six percent or lower for six consecutive months, the limit on the aggregate of eighteen monthly payments shall become twelve monthly payments effective on the July first immediately following such notification.**

6. (1) If at any time a defendant **who is convicted of criminal nonsupport or who pleads guilty or nolo contendere to a charge of criminal nonsupport** is placed on probation or parole, there may be ordered as a condition of probation or parole that the defendant commence payment of current support as well as satisfy the arrearages. Arrearages may be satisfied first by making such lump sum payment as the defendant is capable of paying, if any, as may be shown after examination of defendant's financial resources or assets, both real, personal, and mixed, and second by making periodic payments. Periodic payments toward satisfaction of arrears when added to current payments due [may] **shall** be in such aggregate sums as is not greater than fifty percent of the defendant's adjusted gross income after deduction of payroll taxes, medical insurance that also covers a dependent spouse or children, and any other court or administrative ordered support, only.

(2) If the defendant fails to pay the [current] support and arrearages [as ordered] **under the terms of his or her probation**, the court may revoke probation or parole and then impose an appropriate sentence within the range for the class of offense that the defendant was convicted of as provided by law, unless the defendant proves good cause for the failure to pay as required under subsection 3 of this section.

(3) **If the defendant satisfies all current child support obligations as well as all periodic payments toward satisfaction of arrears for an additional twenty-four consecutive months after completion of probation or parole, any conviction of the defendant under this section may be expunged from the defendant's record.**

7. During any period that a nonviolent defendant is incarcerated for criminal nonsupport, if the defendant is ready, willing, and able to be gainfully employed during said period of incarceration, the defendant, if he or she meets the criteria established by the department of corrections, may be placed on work release to allow the defendant to satisfy defendant's obligation to pay support. Arrearages shall be satisfied as outlined in the collection agreement.

8. Beginning August 28, 2009, every nonviolent first- and second-time offender then incarcerated for criminal nonsupport, who has not been previously placed on probation or parole for conviction of criminal nonsupport, may be considered for parole, under the conditions set forth in subsection 6 of this section, or work release, under the conditions set forth in subsection 7 of this section.

9. Beginning January 1, 1991, every prosecuting attorney in any county which has entered into a cooperative agreement with the **child support enforcement service of the family support** division [of child support enforcement] shall report to the division on a quarterly basis the number of charges filed and the number of convictions obtained under this section by the prosecuting attorney's office on all IV-D cases. The division shall consolidate the reported information into a statewide report by county and make the report available to the general public.

10. Persons accused of committing the offense of nonsupport of the child shall be prosecuted:

(1) In any county in which the child resided during the period of time for which the defendant is charged; or

(2) In any county in which the defendant resided during the period of time for which the defendant is charged.” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 7

Amend House Amendment No. 7 to House Committee Substitute for Senate Bill No. 59, Page 1, Line 26, by inserting after all of said line the following:

“Further amend said Bill, Section A, Page 1, Line 7 by inserting after all of said section and line the following:

“34.376. 1. Sections 34.376 to 34.380 may be known as the “Transparency in Private Attorney Contracts Act”.

2. As used in sections 34.376 to 34.380, the following terms shall mean:

(1) “Government attorney”, an attorney employed by the state as an assistant attorney general;

(2) “Private attorney”, any private attorney or law firm;

(3) “State”, the state of Missouri, in any action instituted by the attorney general pursuant to section 27.060.

34.378. 1. The state shall not enter into a contingency fee contract with a private attorney unless the attorney general makes a written determination prior to entering into such a contract that contingency fee representation is both cost-effective and in the public interest. Any written determination shall include specific findings for each of the following factors:

(1) Whether there exists sufficient and appropriate legal and financial resources within the attorney general’s office to handle the matter;

(2) The time and labor required; the novelty, complexity, and difficulty of the questions involved; and the skill requisite to perform the attorney services properly;

(3) The geographic area where the attorney services are to be provided; and

(4) The amount of experience desired for the particular kind of attorney services to be provided and the nature of the private attorney’s experience with similar issues or cases.

2. If the attorney general makes the determination described in subsection 1 of this section, the attorney general shall request written proposals from private attorneys to represent the state, unless the attorney general determines that requesting proposals is not feasible under the circumstances and sets forth the basis for this determination in writing. If a request for proposals is issued, the attorney general shall choose the lowest and best bid or request the office of administration establish an independent panel to evaluate the proposals and choose the lowest and best bid.

3. The state may not enter into a contingency fee contract that provides for the private attorney to receive an aggregate contingency fee in excess of twenty-five percent of the net recovery to the state.

4. The state shall not enter into a contract for contingency fee attorney services unless the following requirements are met throughout the contract period and any extensions to the contract:

- (1) The government attorneys shall retain complete control over the course and conduct of the case;
- (2) A government attorney with supervisory authority shall oversee the litigation;
- (3) The government attorneys shall retain veto power over any decisions made by outside counsel;
- (4) A government attorney with supervisory authority for the case shall attend all settlement conferences; and
- (5) Decisions regarding settlement of the case shall be reserved exclusively to the discretion of the attorney general.

5. The attorney general shall develop a standard addendum to every contract for contingent fee attorney services that shall be used in all cases, describing in detail what is expected of both the contracted private attorney and the state, including, without limitation, the requirements listed in subsection 4 of this section.

6. Copies of any executed contingency fee contract and the attorney general's written determination to enter into a contingency fee contract with the private attorney shall be posted on the attorney general's website for public inspection within five business days after the date the contract is executed and shall remain posted on the website for the duration of the contingency fee contract, including any extensions or amendments to the contract. Any payment of contingency fees shall be posted on the attorney general's website within fifteen days after the payment of such contingency fees to the private attorney and shall remain posted on the website for at least three hundred sixty-five days.

7. Any private attorney under contract to provide services to the state on a contingency fee basis shall, from the inception of the contract until at least four years after the contract expires or is terminated, maintain detailed current records, including documentation of all expenses, disbursements, charges, credits, underlying receipts and invoices, and other financial transactions that concern the provision of such attorney services. The private attorney shall maintain detailed contemporaneous time records for the attorneys and paralegals working on the matter in increments of no greater than one tenth of an hour and shall promptly provide these records to the attorney general, upon request. Any request under chapter 610 for inspection and copying of such records shall be served upon and responded to by the attorney general's office.

8. By February first of each year, the attorney general shall submit a report to the president pro tem of the senate and the speaker of the house of representatives describing the use of contingency fee contracts with private attorneys in the preceding calendar year. At a minimum, the report shall:

(1) Identify all new contingency fee contracts entered into during the year and all previously executed contingency fee contracts that remain current during any part of the year, and for each contract describe:

- (a) The name of the private attorney with whom the department has contracted, including the name of the attorney's law firm;
- (b) The nature and status of the legal matter;
- (c) The name of the parties to the legal matter;

(d) The amount of any recovery; and

(e) The amount of any contingency fee paid.

(2) Include copies of any written determinations made under subsections 1 and 2 of this section.

34.380. Nothing in sections 34.376 to 34.380 shall be construed to expand the authority of any state agency or state agent to enter into contracts where no such authority previously existed.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 59, Page 1, Section A, Line 7, by inserting after all of said section and line the following:

“11.010. The official manual, commonly known as the “Blue Book”, compiled and electronically published by the secretary of state on its official website is the official manual of this state, and it is unlawful for any officer or employee of this state **except the secretary of state**, or any board, or department or any officer or employee thereof, to cause to be printed, at state expense, any duplication or rearrangement of any part of the manual. It is also unlawful for the secretary of state to publish, or permit to be published in the manual any duplication, or rearrangement of any part of any report, or other document, required to be printed at the expense of the state which has been submitted to and rejected by him or her as not suitable for publication in the manual.

11.025. Notwithstanding any other provision of law, the secretary of state may enter into an agreement directly with a nonprofit organization for such nonprofit organization to print and distribute copies of the official manual. The secretary of state shall provide to the organization the electronic version of the official manual prepared and published under this chapter. The nonprofit organization shall not alter, add, or delete any information provided by the secretary of state. Information published about the organization in the official manual shall be limited to the name of the organization and its contact information. The official manual shall not contain advertising or information promoting any entity or individual. The organization shall charge a fee for a copy of the official manual to cover the cost of production and distribution. The nonprofit organization shall be subject to an independent audit, ordered by the state and paid for by the nonprofit organization, to account for income and expenses for the sale, production, and distribution of the official manual. After such audit, any surplus funds generated by the nonprofit organization through the sale of the manual shall be transferred to the state treasurer for deposit in the state’s general revenue fund.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 732**, entitled:

An Act to repeal sections 324.043, 334.040, 334.070, 334.090, 334.100, 334.102, 334.103, 334.715, 536.063, 536.067, 536.070, 621.045, 621.100, and 621.110, RSMo, and to enact in lieu thereof twenty-nine new sections relating to licensure of certain professions, with penalty provisions and an effective date for

certain sections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REFERRALS

President Pro Tem Mayer referred **HCS** for **HB 431**, with **SCS**; **HB 151**; **HB 139**; **HCS** for **HB 366**; and **HCS** for **HJR 3** to the Committee on Ways and Means and Fiscal Oversight.

PRIVILEGED MOTIONS

Senator Stouffer moved that **SJR 2**, with **HCS No. 2**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS No. 2 for **SJR 2**, entitled:

HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR SENATE JOINT RESOLUTION NO. 2

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article VIII of the Constitution of Missouri, and adopting four new sections relating to elections.

Was taken up.

Senator Stouffer moved that **HCS No. 2** for **SJR 2** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Crowell	Cunningham	Dempsey	Dixon	Engler	Goodman	Kehoe
Lager	Lamping	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Richard	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson—23	

NAYS—Senators

Callahan	Chappelle-Nadal	Curls	Green	Justus	Keaveny	Lembke	Purgason
Ridgeway	Wright-Jones—10						

Absent—Senator Kraus—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Stouffer, **HCS No. 2** for **SJR 2** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Crowell	Cunningham	Dempsey	Dixon	Engler	Goodman	Kehoe
Kraus	Lager	Lamping	Mayer	McKenna	Munzlinger	Nieves	Parson
Pearce	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson—25							

NAYS—Senators

Callahan Chappelle-Nadal Curls Green Justus Keaveny Lembke Purgason
Wright-Jones—9

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the joint resolution passed.

On motion of Senator Stouffer, title to the joint resolution was agreed to.

Senator Stouffer moved that the vote by which the joint resolution passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Joint Resolution ordered enrolled.

Senator Stouffer moved that **SB 3**, with **HCS No. 2**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS No. 2 for **SB 3**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR
SENATE BILL NO. 3

An Act to repeal section 115.427, RSMo, and to enact in lieu thereof two new sections relating to elections, with a contingent effective date.

Was taken up.

Senator Stouffer moved that **HCS No. 2** for **SB 3**, as amended, be adopted.

At the request of Senator Stouffer, the above motion was withdrawn, which placed the bill back on the Calendar.

Senator Schaefer moved that the Senate refuse to concur in **HCS** for **SB 322**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Schmitt assumed the Chair.

Senator Engler moved that the Senate refuse to concur in **HCS** for **SS** for **SB 226**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Keaveny moved that the Senate refuse to concur in **HCS** for **SB 59**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Keaveny moved that the Senate refuse to concur in **HCS** for **SB 61**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Ridgeway assumed the Chair.

HOUSE BILLS ON THIRD READING

HB 71, introduced by Representative Nasheed, et al, entitled:

An Act to repeal section 84.010, RSMo, and to enact in lieu thereof eight new sections relating to the St. Louis police force with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Engler.

Senator Engler offered **SS** for **HB 71**, entitled:

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 71**

An Act to repeal sections 84.010, 84.220, 86.200, and 86.213, RSMo, and to enact in lieu thereof ten new sections relating to the St. Louis police force, with penalty provisions.

Senator Engler moved that **SS** for **HB 71** be adopted.

Senator Chappelle-Nadal offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 71, Page 3, Section 84.344, Line 13 of said page, by inserting immediately after said line the following:

“3. The chief, or any manager of the highest rank regardless of that person’s title, of a municipal police force established under section 84.346 shall not:

(1) Solicit orally, by letter, or otherwise any assessment, contribution, or payment for any political purpose whatsoever;

(2) Directly or indirectly give, pay, lend, or contribute any of his or her salary, compensation, money, or other valuable thing to any person on account of, or to be applied to, the promotion of any political party, political club, or any political purpose whatsoever;

(3) Use his or her official authority or influence for the purpose of interfering with any election, nomination for office, or result thereof;

(4) Be a member or official of any committee of any political party or board of aldermen;

(5) Solicit any person to vote for or against any candidate for public office, “poll precincts”, or be connected with other political work of similar character on behalf of any political organization, party, or candidate;

(6) Affix any sign, bumper sticker, or other device, which either supports or opposes any ballot measure or political candidate, to any property or vehicle under the control of the police force;

(7) Publicly endorse a candidate for any public office;

(8) Work for, or provide any service to, on a paid or voluntary basis, a candidate for any public office or a campaign for or against any ballot initiative.

All such persons shall, however, retain the right to vote as they may choose and to express their opinions on all political subjects and candidates. Any person who shall violate this subsection shall

be liable for a penalty of five thousand dollars for each offense. The penalty shall not be paid for by the funds of the municipality.

4. Any person who violates subsection 3 of this section shall immediately forfeit and vacate his or her office.”; and

Further amend said bill, Page 4, Section 84.346, Line 5 of said page, by striking “January” and inserting in lieu thereof the following: **“July”**; and further amend Line 12 of said page, by striking “pursuant to” and inserting in lieu thereof the following: **“under”**; and further amend line 17 of said page, by striking “pursuant to” and inserting in lieu thereof the following: **“under”**; and

Further amend said bill and section, Page 5, line 4 of said page, by striking “pursuant to” and inserting in lieu thereof the following: **“under”**; and

Further amend said bill, Page 6, Section 84.346, Line 23 of said page, by striking all of said line and inserting in lieu thereof the following: **“Unless otherwise provided for,”**; and further amend line 27 of said page, by striking the word “may” and inserting in lieu thereof the following: **“shall”**; and further amend line 28 of said page, by inserting immediately after the word “appeals” the following: **“that involve discipline resulting in a suspension of greater than fifteen days, demotion, or termination”**; and

Further amend said bill and section, Page 7, Line 15 of said page, by striking the word “retired” and inserting in lieu thereof the following: **“retire”**; and

Further amend said bill and section, Page 8, lines 15-17 of said page, by striking all of said lines and inserting in lieu thereof the following: **“enforcement officers. The remaining members of the committee shall include the police chief of the municipal police force, the city’s director of public safety, and a person who has retired from service with the board of police commissioners or the municipal police appointed to the committee by a law enforcement association that represents a majority of members of the municipal police force.”**; and

Further amend said bill, Page 10, Section 84.349, Lines 11-14 of said page, by striking all of said lines and inserting in lieu thereof the following: **“the contrary, the provisions of this act shall be nonseverable, except for section 84.343 and subsection 4 of section 84.344, which shall be severable. If any provision, except for section 84.343 and subsection 4 of section 84.344, is for any reason held to be invalid, such decision shall invalidate all of the remaining provisions of sections 84.344 to 84.348 of this act except for section 84.343 and subsection 4 of section 84.344.”**; and

Further amend said bill, Page 16, Section 86.213, Line 15 of said page, by striking “Three” and inserting in lieu thereof the following: **“Two”**; and further amend line 16 of said page, by inserting immediately after the word “years” the following: **“, except the mayor shall not appoint the police chief of the municipal police force, the city’s director of public safety, or the president of the board of police commissioners of the city”**; and

Further amend said bill and section, page 16, line 28 of said page, by striking the word “Two” and inserting in lieu thereof the following: **“Three”**; and

Further amend said bill, Page 17, section 86.371, line 25 of said page, by inserting immediately after said line the following:

105.483. Each of the following persons shall be required to file a financial interest statement:

(1) Associate circuit judges, circuit court judges, judges of the courts of appeals and of the supreme

court, and candidates for any such office;

(2) Persons holding an elective office of the state, whether by election or appointment, and candidates for such elective office, except those running for or serving as county committee members for a political party pursuant to section 115.609 or section 115.611;

(3) The principal administrative or deputy officers or assistants serving the governor, lieutenant governor, secretary of state, state treasurer, state auditor and attorney general, which officers shall be designated by the respective elected state official;

(4) The members of each board or commission and the chief executive officer of each public entity created pursuant to the constitution or interstate compact or agreement and the members of each board of regents or curators and the chancellor or president of each state institution of higher education;

(5) The director and each assistant deputy director and the general counsel and the chief purchasing officer of each department, division and agency of state government;

(6) Any official or employee of the state authorized by law to promulgate rules and regulations or authorized by law to vote on the adoption of rules and regulations;

(7) Any member of a board or commission created by interstate compact or agreement, including the executive director and any Missouri resident who is a member of the bi-state development agency created pursuant to sections 70.370 to 70.440;

(8) Any board member of a metropolitan sewer district authorized under section 30(a) of article VI of the state constitution;

(9) Any member of a commission appointed or operating pursuant to sections 64.650 to 64.950, sections 67.650 to 67.658, or sections 70.840 to 70.859;

(10) The members, the chief executive officer and the chief purchasing officer of each board or commission which enters into or approves contracts for the expenditure of state funds;

(11) Each elected official, candidate for elective office, the chief administrative officer, the chief purchasing officer and the general counsel, if employed full time, of each political subdivision with an annual operating budget in excess of one million dollars, and each official or employee of a political subdivision who is authorized by the governing body of the political subdivision to promulgate rules and regulations with the force of law or to vote on the adoption of rules and regulations with the force of law; unless the political subdivision adopts an ordinance, order or resolution pursuant to subsection 4 of section 105.485;

(12) Any person who is designated as a decision-making public servant by any of the officials or entities listed in subdivision (6) of section 105.450;

(13) The police chief of a municipal police force established under section 84.346 by any city not within a county, and such city's director of public safety.

Section 1. 1. No elected or appointed official of the state or any political subdivision thereof shall act or refrain from acting in any manner to impede, obstruct, hinder, or otherwise interfere with any member of a municipal police force established under section 84.346 in the performance of his or her job duties, or with any aspect of any investigation arising from the performance of such job duties. This section shall not be construed to prevent such officials from acting within the normal course and

scope of their employment or from acting to implement sections 84.345 to 84.348. Any person who shall violate this section shall be liable for a penalty of two thousand five hundred dollars for each offense and shall forever be disqualified from holding any office or employment whatsoever with the governmental entity the person served at the time of the violation. The penalty shall not be paid by the funds of any committee as the term “committee” is defined in section 130.011. This section shall not be construed to interfere with the punishment, under any laws of this state, of a criminal offense committed by such officials, nor shall this section apply to duly appointed members of the municipal police force, or their appointing authorities, whose conduct is otherwise provided for by law.

Section 2. 1. It shall be an unlawful employment practice for an official, employee, or agent of a municipal police force established under section 84.346 to discharge, demote, reduce the pay of, or otherwise retaliate against an employee of the municipal police force for reporting to any superior, government agency, or the press the conduct of another employee that the reporting employee believes, in good faith, is illegal.

2. Any employee of the municipal police force may bring a cause of action for general or special damages based on a violation of this section.”; and

Further amend the title and enacting clause accordingly.

Senator Chappelle-Nadal moved that the above amendment be adopted.

At the request of Senator Engler, **HB 71**, with **SS** and **SA 1** (pending), was placed on the Informal Calendar.

President Kinder assumed the Chair.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 504, 505** and **874**, entitled:

An Act to repeal sections 43.545, 211.031, 452.375, 455.010, 455.020, 455.027, 455.035, 455.038, 455.040, 455.050, 455.060, 455.085, 455.200, 455.501, 455.505, 455.513, 455.516, 455.520, 455.523, 455.538, 455.540, 455.543, 527.290, 565.074, 589.683, 595.100, and 595.220, RSMo, and to enact in lieu thereof twenty-seven new sections relating to domestic violence, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 658**, entitled:

An Act to repeal sections 195.017 and 195.417, RSMo, and to enact in lieu thereof two new sections relating to the meth lab elimination act, with existing penalty provisions and an expiration date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 707**, entitled:

An Act to repeal sections 141.210, 141.220, 141.250, 141.290, 141.300, 141.320, 141.410, 141.420, 141.430, 141.450, 141.480, 141.520, 141.540 141.560, 141.570, 141.580, 141.720, 141.770, and 141.790, RSMo, section 141.530 as enacted by senate committee substitute for house substitute for house committee substitute for house bills nos. 977 & 1608, eighty-ninth general assembly, second regular session, and section 141.530 as enacted by conference committee substitute no. 2 for house committee substitute for senate bill no. 778, eighty-ninth general assembly, second regular session, section 141.550 as enacted by conference committee substitute for senate committee substitute for house substitute for house bill no. 1238, ninetieth general assembly, second regular session, and section 141.550 as enacted by conference committee substitute for house substitute for house committee substitute for senate committee substitute for senate bill no. 894, ninetieth general assembly, second regular session, and to enact in lieu thereof twenty-four new sections relating to land tax collection, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 138**, entitled:

An Act to amend chapter 290, RSMo, by adding thereto one new section relating to wages for work done on behalf of a school.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HB 101**, as amended. Representatives: Loehner, Fitzwater, Johnson, Quinn, and Talboy.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 145**, as amended and grants the Senate a conference there.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 71**, entitled:

An Act to repeal section 339.1115, RSMo, and to enact in lieu thereof one new section relating to certain notices required by the Missouri appraisal management company registration and regulation act.

With House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 1, House Substitute Amendment No. 1 for House Amendment No. 1, as amended, and House Amendment

No. 2.

HOUSE AMENDMENT NO. 1 TO
HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR
HOUSE AMENDMENT NO. 1

Amend House Substitute Amendment No. 1 for House Amendment No. 1 to Senate Bill No. 71, Page 2, Section 6, Line 29, by adding the following:

“The operating budget of the M.H.D.C. shall be subject to annual appropriation”.

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR
HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 71, Page 1, In the Title, Line 2, by deleting all of said line and inserting in lieu thereof the following:

“To repeal sections 215.020 and 339.1115, RSMo, and to enact in lieu thereof two new sections”; and

Further amend said bill, Page 1, Section A, Lines 1 and 2, by deleting all of said lines and inserting in lieu thereof the following:

“Section A. Sections 215.020 and 339.1115, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 215.020 and 339.1115, to read as follows:

215.020. 1. There is hereby created and established as a governmental instrumentality of the state of Missouri the “Missouri Housing Development Commission” which shall constitute a body corporate and politic.

2. The commission shall consist of the governor, lieutenant governor, the state treasurer, the state attorney general, and six members to be selected by the governor, with the advice and consent of the senate. The persons to be selected by the governor shall be individuals knowledgeable in the areas of housing, finance or construction. Not more than four of the members appointed by the governor shall be from the same political party. The members of the commission appointed by the governor shall serve the following terms: Two shall serve two years, two shall serve three years, and two shall serve four years, respectively. Thereafter, each appointment shall be for a term of four years. If for any reason a vacancy occurs, the governor, with the advice and consent of the senate, shall appoint a new member to fill the unexpired term. Members are eligible for reappointment.

3. Six members of the commission shall constitute a quorum. No vacancy in the membership of the commission shall impair the right of a quorum to exercise all the rights and perform all the duties of the commission. No action shall be taken by the commission except upon the affirmative vote of at least six of the members of the commission.

4. Each member of the commission appointed by the governor is entitled to compensation of fifty dollars per diem plus his reasonable and necessary expenses actually incurred in discharging his duties under sections 215.010 to 215.250.

5. The department staff shall report to an executive director who shall be appointed by the governor and such executive director shall implement only those policies which are presented by the executive director and approved by the commission.

6. The employment of the executive director, including the executive director serving in such

capacity on the effective date of this section, shall be subject to the advice and consent of the senate in the same manner as an appointment subject to the provisions of article IV, section 51 of the Missouri Constitution and shall be for a term of three years subject to reappointment for additional terms. Each additional term shall be subject to the advice and consent of the senate.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend Senate Bill No. 71, Page 2, Section 339.1115, Line 22, by inserting after all of said line the following:

“523.040. 1. The court, or judge thereof in vacation, on being satisfied that due notice of the pendency of the petition has been given, shall appoint three disinterested commissioners, who shall be residents of the county in which the real estate or a part thereof is situated, **and in any city not within a county, any county with a charter form of government and with more than one million inhabitants, or any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants at least one of the commissioners shall be either a licensed real estate broker or a state-licensed or state-certified real estate appraiser**, to assess the damages which the owners may severally sustain by reason of such appropriation, who, within forty-five days after appointment by the court, which forty-five days may be extended by the court to a date certain with good cause shown, after applying the definition of fair market value contained in subdivision (1) of section 523.001, and after having viewed the property, shall return to the clerk of such court, under oath, their report in duplicate of such assessment of damages, setting forth the amount of damages allowed to the person or persons named as owning or claiming the tract of land condemned, and should more than one tract be condemned in the petition, then the damages allowed to the owner, owners, claimant or claimants of each tract, respectively, shall be stated separately, together with a specific description of the tracts for which such damages are assessed; and the clerk shall file one copy of said report in his office and record the same in the order book of the court, and he shall deliver the other copy, duly certified by him, to the recorder of deeds of the county where the land lies (or to the recorder of deeds of the city of St. Louis, if the land lies in said city) who shall record the same in his office, and index each tract separately as provided in section 59.440, and the fee for so recording shall be taxed by the clerk as costs in the proceedings; and thereupon such company shall pay to the clerk the amount thus assessed for the party in whose favor such damages have been assessed; and on making such payment it shall be lawful for such company to hold the interest in the property so appropriated for the uses prescribed in this section; and upon failure to pay the assessment, the court may, upon motion and notice by the party entitled to such damages, enforce the payment of the same by execution, unless the said company shall, within ten days from the return of such assessment, elect to abandon the proposed appropriation of any parcel of land, by an instrument in writing to that effect, to be filed with the clerk of the court, and entered on the minutes of the court, and as to so much as is thus abandoned, the assessment of damages shall be void.

2. Prior to the issuance of any report under subsection 1 of this section, a commissioner shall notify all parties named in the condemnation petition no less than ten days prior to the commissioners’ viewing of the property of the named parties’ opportunity to accompany the commissioners on the commissioners’ viewing of the property and of the named parties’ opportunity to present information to the commissioners.

3. The commissioners shall view the property, hear arguments, and review other relevant information that may be offered by the parties.”; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS No. 2** for **SB 97**, entitled:

An Act to authorize the conveyance of real property owned by the state.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute No. 2 for Senate Bill No. 97, Page 3, Section 3, Line 10, by inserting after all of said section and line, the following:

“Section 4. 1. The governor is hereby authorized and empowered to sell, transfer, grant, and convey all interest in fee simple absolute in property owned by the state in Callaway County to the City of Fulton. The property to be conveyed is more particularly described as follows:

Part of Section 16 in Township 47 North, Range 9 West, in the City of Fulton, Callaway County, Missouri, more particularly described as follows:

TRACT 1: Commencing at the northwest corner of the Northeast Quarter of the Southwest Quarter of said Section 16; thence S1°34'55"W, along the Quarter-Quarter Section Line, 1553.12 feet to the southerly right of way of Missouri State Route "O", as described in Book 154, Page 119, Callaway County Recorder's Office; thence S89°01'33"E, along the southerly right of way of said Missouri State Route "O", 525.24 feet; thence on a curve to the left having a radius of 1940.39 feet, an arc distance of 11.95 feet (Ch=S89°12'08"E, 11.95 feet) to the POINT OF BEGINNING for this description; thence continuing along the southerly right of way line of said Missouri State Route "O" the following courses and distances: on a curve to the left having a radius of 1940.39 feet, an arc distance of 388.23 feet (Ch=N84°53'22"E, 387.59 feet); thence N79°09'27"E, 245.94 feet; thence leaving the said Hwy. right of way S04°40'06"E, 77.57 feet; thence on a curve to the right having a radius of 72.00 feet, an arc distance of 61.43 feet (Ch=S19°46'31"W, 59.59 feet); thence on a curve to the left having a radius of 280 feet, an arc distance of 148.34 feet (Ch=S29°02'28"W, 146.62 feet); thence S13°51'49"W, 453.89 feet; thence on a curve to the left having a radius of 270 feet, an arc distance of 212.47 feet (Ch=S08°40'47"E, 207.03 feet); thence S20°19'55"W, 261.02 feet; thence N87°23'57"W, 418.88 feet; thence N02°23'59"E, 1052.77 feet to the point of beginning.

Containing 12.66

TRACT 2: Being a 60 feet wide public right of way, described as follows:

Commencing at the Northeast corner of the above described tract; thence continuing N79°09'27"E, 47.86 feet; thence on a curve to the right having a radius of 686.52 feet, an arc distance of 12.48 feet (Ch=N79°40'39"E, 12.48 feet); thence leaving the said Hwy. right of way S04°40'06"E, 83.94 feet; thence on a curve to the right having a radius of 132.00 feet, an arc distance of 112.63 feet (Ch=S19°41'06"W, 108.87 feet); thence on a curve to the left having a radius of 220.00 feet, an arc distance of 116.56 feet (Ch=S29°05'42"W, 115.60 feet); thence

S13°51'49"E, 435.89 feet; thence on a curve to the left having a radius of 210.00 feet, an arc distance of 111.64 feet (Ch=S01°21'56"E, 110.33 feet); thence S20°19'55"W, 85.30 feet to a point; thence on a curve to the right having a radius of 270.00 feet, an arc distance of 212.47 feet (Ch=N08°40'47"W, 207.03 feet); thence N13°51'49"E, 453.89 feet; thence on a curve to the right having a radius of 280.00 feet, an arc distance of 148.34 feet (Ch=N29°02'28"E, 146.62 feet); thence on a curve to the left having a radius of 72.00 feet, an arc distance of 61.43 feet (Ch=N19°46'31"E, 59.59 feet); thence N04°40'06"W, 77.57 feet to the point of beginning.

Containing 1.26

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mayer appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 101**, as amended: Senators Cunningham, Ridgeway, Lembke, Justus and McKenna.

President Pro Tem Mayer appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 145**, as amended: Senators Dempsey, Brown, Rupp, Callahan and Green.

On motion of Senator Dempsey, the Senate recessed until 7:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Pearce.

RESOLUTIONS

Senator Munzlinger offered Senate Resolution No. 1052, regarding James M. Scudder, Brashear, which was adopted.

Senator Munzlinger offered Senate Resolution No. 1053, regarding the One Hundred Twenty-fifth Anniversary of Mary Immaculate Parish, Kirksville, which was adopted.

Senator Brown offered Senate Resolution No. 1054, regarding Mylan Myers, Rolla, which was adopted.

Senator Brown offered Senate Resolution No. 1055, regarding Karana Southard, Rolla, which was adopted.

Senator Brown offered Senate Resolution No. 1056, regarding the One Hundredth Birthday of Roy Edward Carlton, Rolla, which was adopted.

Senator Brown offered Senate Resolution No. 1057, regarding Dawn Harmount, which was adopted.

Senator Brown offered Senate Resolution No. 1058, regarding the Thirtieth Anniversary of Brewer Science, Rolla, which was adopted.

Senator Engler offered Senate Resolution No. 1059, regarding Stanley Cook, which was adopted.

Senator Engler offered Senate Resolution No. 1060, regarding Ray Politte, which was adopted.

Senator Engler offered Senate Resolution No. 1061, regarding Pamela Frakes, which was adopted.

Senator Engler offered Senate Resolution No. 1062, regarding Luke Kyle Nash, Belleview, which was adopted.

Senator Engler offered Senate Resolution No. 1063, regarding Holden Ace Armstrong, Belleview, which was adopted.

Senator Schmitt offered Senate Resolution No. 1064, regarding Lucy Rebecca Short, which was adopted.

HOUSE BILLS ON THIRD READING

HCS No. 2 for HB 609, with **SCS**, entitled:

An Act to repeal section 374.284, RSMo, and to enact in lieu thereof nine new sections relating to the Show-Me health insurance exchange act.

Was called from the Informal Calendar and taken up by Senator Wasson.

SCS for HCS No. 2 for HB 609, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR HOUSE BILL NO. 609

An Act to repeal section 374.284, RSMo, and to enact in lieu thereof nine new sections relating to the Show-Me health insurance exchange act.

Was taken up.

Senator Wasson moved that **SCS for HCS No. 2 for HB 609** be adopted.

At the request of Senator Wasson, **HCS No. 2 for HB 609**, with **SCS** (pending), was placed on the Informal Calendar.

Senator Rupp moved that **HB 648**, with **SS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Rupp, **SS for HB 648** was withdrawn.

Senator Rupp offered **SS No. 2 for HB 648**, entitled:

SENATE SUBSTITUTE NO. 2 FOR HOUSE BILL NO. 648

An Act to repeal sections 8.241, 178.900, 189.010, 189.065, 192.005, 198.012, 205.968, 208.151, 208.275, 208.955, 210.496, 210.900, 211.031, 211.202, 211.203, 211.206, 211.207, 211.447, 402.210, 453.070, 475.121, 475.355, 476.537, 552.015, 552.020, 552.030, 552.040, 630.003, 630.005, 630.010, 630.053, 630.095, 630.097, 630.120, 630.165, 630.167, 630.183, 630.192, 630.210, 630.335, 630.405,

630.425, 630.510, 630.605, 630.610, 630.635, 630.705, 630.715, 630.735, 632.005, 632.105, 632.110, 632.115, 632.120, 632.370, 632.380, 633.005, 633.010, 633.020, 633.029, 633.030, 633.045, 633.050, 633.110, 633.115, 633.120, 633.125, 633.130, 633.135, 633.140, 633.145, 633.150, 633.155, 633.160, 633.180, 633.185, 633.190, 633.210, 633.300, 633.303, and 633.309, RSMo, and to enact in lieu thereof eighty-one new sections relating to individuals with disabilities, with existing penalty provisions.

Senator Rupp moved that **SS No. 2** for **HB 648** be adopted.

Senator Rupp offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for House Bill No. 648, Page 25, Section 208.955, Line 14 of said page, by striking “twenty” and inserting in lieu thereof the following: “**nineteen**”.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Rupp moved that **SS No. 2** for **HB 648**, as amended, be adopted, which motion prevailed.

On motion of Senator Rupp, **SS No. 2** for **HB 648**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

At the request of Senator Kraus, **HB 183** was placed on the Informal Calendar.

HB 667 was placed on the Informal Calendar.

HCS for **HB 697**, with **SCS**, entitled:

An Act to amend chapter 536, RSMo, by adding thereto one new section relating to the repromulgation of state administrative rules.

Was taken up by Senator Dixon.

SCS for **HCS** for **HB 697**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 697**

An Act to amend chapter 536, RSMo, by adding thereto two new sections relating to the review of state administrative rules.

Was taken up.

Senator Dixon moved that **SCS** for **HCS** for **HB 697** be adopted.

At the request of Senator Dixon, **HCS** for **HB 697**, with **SCS** (pending), was placed on the Informal Calendar.

At the request of Senator Lamping, **HB 661**, with **SCS**, was placed on the Informal Calendar.

HB 591, with **SCS**, introduced by Representative Lichtenegger, et al, entitled:

An Act to amend chapter 332, RSMo, by adding thereto one new section relating to limited dental teaching license.

Was taken up by Senator Curls.

SCS for **HB 591**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 591**

An Act to amend chapter 332, RSMo, by adding thereto one new section relating to limited dental teaching license.

Was taken up.

Senator Curls moved that **SCS** for **HB 591** be adopted, which motion prevailed.

On motion of Senator Curls, **SCS** for **HB 591** was read the 3rd time and passed by the following vote:

YEAS—Senators

Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson—32

NAYS—Senator Brown—1

Absent—Senator Wright-Jones—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Curls, title to the bill was agreed to.

Senator Curls moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HCS for HB 464, with SCS, entitled:

An Act to repeal sections 8.650, 8.900, 21.475, 21.780, 26.600, 26.603, 26.605, 26.607, 26.609, 26.611, 26.614, 32.250, 32.260, 90.101, 105.1006, 105.1010, 105.1012, 162.1000, 162.1060, 166.200, 166.201, 166.203, 166.205, 166.207, 166.209, 166.212, 166.215, 166.218, 166.220, 166.222, 166.225, 166.228, 166.231, 166.233, 166.235, 166.237, 166.240, 166.242, 190.176, 192.350, 192.352, 192.355, 192.735, 192.737, 192.739, 192.742, 192.745, 199.001, 199.003, 199.007, 199.009, 199.010, 199.029, 199.031, 199.037, 199.039, 199.041, 199.043, 199.051, 208.175, 208.195, 208.275, 208.530, 208.533, 208.535, 208.792, 208.955, 210.101, 210.102, 210.496, 260.372, 260.705, 260.720, 260.725, 260.735, 286.001, 286.005, 286.200, 286.205, 286.210, 302.136, 304.028, 320.094, 320.205, 334.721, 344.060, 344.105, 344.108, 361.070, 361.092, 361.093, 361.094, 361.095, 361.096, 361.097, 361.098, 361.105, 362.040, 362.111, 362.325, 369.014, 369.024, 369.144, 369.159, 369.294, 369.299, 369.304, 369.309, 369.314, 369.319, 369.329, 371.060, 371.090, 371.240, 620.638, 620.641, 620.644, 620.647, 620.650, 620.653, 630.900, 630.910, 630.915, 632.020, 660.010, and 701.302, RSMo, and section 362.105 as enacted by senate committee substitute for senate bill no. 630, ninety-fifth general assembly, second regular session, and to enact in lieu thereof eighty-five new sections for the sole purpose of eliminating, combining, and revising certain state boards, commissions, committees, and councils.

Was taken up by Senator Wasson.

SCS for HCS for HB 464, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 464

An Act to repeal sections 8.650, 8.900, 21.475, 21.780, 26.600, 26.603, 26.605, 26.607, 26.609, 26.611, 26.614, 32.250, 32.260, 105.1006, 105.1010, 105.1012, 162.1000, 162.1060, 166.200, 166.201, 166.203, 166.205, 166.207, 166.209, 166.212, 166.215, 166.218, 166.220, 166.222, 166.225, 166.228, 166.231, 166.233, 166.235, 166.237, 166.240, 166.242, 190.176, 192.350, 192.352, 192.355, 192.735, 192.737, 192.739, 192.742, 192.745, 199.001, 199.003, 199.007, 199.009, 199.010, 199.029, 199.031, 199.037, 199.039, 199.041, 199.043, 199.051, 208.175, 208.195, 208.275, 208.530, 208.533, 208.535, 208.792, 208.955, 210.101, 210.102, 210.496, 260.372, 260.705, 260.720, 260.725, 260.735, 286.001, 286.005, 286.200, 286.205, 286.210, 302.136, 304.028, 320.094, 320.205, 324.600, 324.603, 324.606, 324.609, 324.612, 324.615, 324.618, 324.621, 324.624, 324.627, 324.630, 324.635, 324.1100, 324.1102, 324.1103, 324.1104, 324.1106, 324.1108, 324.1110, 324.1112, 324.1114, 324.1116, 324.1118, 324.1120, 324.1122, 324.1124, 324.1128, 324.1130, 324.1132, 324.1134, 324.1136, 324.1138, 324.1144, 344.060, 344.105, 344.108, 361.070, 361.092, 361.093, 361.094, 361.095, 361.096, 361.097, 361.098, 361.105, 362.040, 362.111, 362.325, 369.014, 369.024, 369.144, 369.159, 369.294, 369.299, 369.304, 369.309, 369.314, 369.319, 369.329, 371.060, 371.090, 371.240, 536.310, 620.638, 620.641, 620.644, 620.647, 620.650, 620.653, 630.900, 630.910, 630.915, 632.020, 660.010, and 701.302, RSMo, section 362.105 as enacted by senate committee substitute for senate bill no. 630, ninety-fifth general assembly, second regular session, and section 362.105 as enacted by senate committee substitute for house committee substitute for house bill no. 221 merged with house substitute for senate committee substitute for senate bill no. 346, ninety-second general assembly, first regular session, and to enact in lieu thereof one hundred nine new sections relating

to repealing and revising certain state boards, councils, committees, and commissions, with existing penalty provisions.

Was taken up.

Senator Wasson moved that **SCS** for **HCS** for **HB 464** be adopted.

Senator Schaaf offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 464, Pages 27-33, Section 208.955, by striking all of said section and inserting in lieu thereof the following:

“208.955. 1. There is hereby established in the department of social services the “MO HealthNet Oversight Committee”, which shall be appointed by January 1, 2008, and shall consist of [eighteen] **nineteen** members as follows:

(1) Two members of the house of representatives, one from each party, appointed by the speaker of the house of representatives and the minority floor leader of the house of representatives;

(2) Two members of the Senate, one from each party, appointed by the president pro tem of the senate and the minority floor leader of the senate;

(3) One consumer representative **who has no financial interest in the health care industry and who has not been an employee of the state within the last five years;**

(4) Two primary care physicians, licensed under chapter 334, [recommended by any Missouri organization or association that represents a significant number of physicians licensed in this state,] who care for participants, not from the same geographic area, **chosen in the same manner as described in section 334.120;**

(5) Two physicians, licensed under chapter 334, who care for participants but who are not primary care physicians and are not from the same geographic area, [recommended by any Missouri organization or association that represents a significant number of physicians licensed in this state] **chosen in the same manner as described in section 334.120;**

(6) One representative of the state hospital association;

(7) [One] **Two** nonphysician health care [professional] **professionals, the first nonphysician health care professional licensed under chapter 335 and the second nonphysician health care professional licensed under chapter 337,** who [cares] **care** for participants[, recommended by the director of the department of insurance, financial institutions and professional registration];

(8) One dentist, who cares for participants[. The dentist shall be recommended by any Missouri organization or association that represents a significant number of dentists licensed in this state], **chosen in the same manner as described in section 332.021;**

(9) Two patient advocates **who have no financial interest in the health care industry and who have not been employees of the state within the last five years;**

(10) One public member **who has no financial interest in the health care industry and who has not been an employee of the state within the last five years;** and

(11) The directors of the department of social services, the department of mental health, the department

of health and senior services, or the respective directors' designees, who shall serve as ex-officio members of the committee.

2. The members of the oversight committee, other than the members from the general assembly and ex-officio members, shall be appointed by the governor with the advice and consent of the senate. A chair of the oversight committee shall be selected by the members of the oversight committee. Of the members first appointed to the oversight committee by the governor, eight members shall serve a term of two years, seven members shall serve a term of one year, and thereafter, members shall serve a term of two years. Members shall continue to serve until their successor is duly appointed and qualified. Any vacancy on the oversight committee shall be filled in the same manner as the original appointment. Members shall serve on the oversight committee without compensation but may be reimbursed for their actual and necessary expenses from moneys appropriated to the department of social services for that purpose. The department of social services shall provide technical, actuarial, and administrative support services as required by the oversight committee. The oversight committee shall:

(1) Meet on at least four occasions annually, including at least four before the end of December of the first year the committee is established. Meetings can be held by telephone or video conference at the discretion of the committee;

(2) Review the participant and provider satisfaction reports and the reports of health outcomes, social and behavioral outcomes, use of evidence-based medicine and best practices as required of the health improvement plans and the department of social services under section 208.950;

(3) Review the results from other states of the relative success or failure of various models of health delivery attempted;

(4) Review the results of studies comparing health plans conducted under section 208.950;

(5) Review the data from health risk assessments collected and reported under section 208.950;

(6) Review the results of the public process input collected under section 208.950;

(7) Advise and approve proposed design and implementation proposals for new health improvement plans submitted by the department, as well as make recommendations and suggest modifications when necessary;

(8) Determine how best to analyze and present the data reviewed under section 208.950 so that the health outcomes, participant and provider satisfaction, results from other states, health plan comparisons, financial impact of the various health improvement plans and models of care, study of provider access, and results of public input can be used by consumers, health care providers, and public officials;

(9) Present significant findings of the analysis required in subdivision (8) of this subsection in a report to the general assembly and governor, at least annually, beginning January 1, 2009;

(10) Review the budget forecast issued by the legislative budget office, and the report required under subsection (22) of subsection 1 of section 208.151, and after study:

(a) Consider ways to maximize the federal drawdown of funds;

(b) Study the demographics of the state and of the MO HealthNet population, and how those demographics are changing;

(c) Consider what steps are needed to prepare for the increasing numbers of participants as a result of

the baby boom following World War II;

(11) Conduct a study to determine whether an office of inspector general shall be established. Such office would be responsible for oversight, auditing, investigation, and performance review to provide increased accountability, integrity, and oversight of state medical assistance programs, to assist in improving agency and program operations, and to deter and identify fraud, abuse, and illegal acts. The committee shall review the experience of all states that have created a similar office to determine the impact of creating a similar office in this state; and

(12) Perform other tasks as necessary, including but not limited to making recommendations to the division concerning the promulgation of rules and emergency rules so that quality of care, provider availability, and participant satisfaction can be assured.

3. By July 1, 2011, the oversight committee shall issue findings to the general assembly on the success and failure of health improvement plans and shall recommend whether or not any health improvement plans should be discontinued.

4. The oversight committee shall designate a subcommittee devoted to advising the department on the development of a comprehensive entry point system for long-term care that shall:

(1) Offer Missourians an array of choices including community-based, in-home, residential and institutional services;

(2) Provide information and assistance about the array of long-term care services to Missourians;

(3) Create a delivery system that is easy to understand and access through multiple points, which shall include but shall not be limited to providers of services;

(4) Create a delivery system that is efficient, reduces duplication, and streamlines access to multiple funding sources and programs;

(5) Strengthen the long-term care quality assurance and quality improvement system;

(6) Establish a long-term care system that seeks to achieve timely access to and payment for care, foster quality and excellence in service delivery, and promote innovative and cost-effective strategies; and

(7) Study one-stop shopping for seniors as established in section 208.612.

5. The subcommittee shall include the following members:

(1) The lieutenant governor or his or her designee, who shall serve as the subcommittee chair;

(2) One member from a Missouri area agency on aging, designated by the governor;

(3) One member representing the in-home care profession, designated by the governor;

(4) One member representing residential care facilities, predominantly serving MO HealthNet participants, designated by the governor;

(5) One member representing assisted living facilities or continuing care retirement communities, predominantly serving MO HealthNet participants, designated by the governor;

(6) One member representing skilled nursing facilities, predominantly serving MO HealthNet participants, designated by the governor;

(7) One member from the office of the state ombudsman for long-term care facility residents, designated

by the governor;

- (8) One member representing Missouri centers for independent living, designated by the governor;
- (9) One consumer representative with expertise in services for seniors or [the disabled] **persons with a disability**, designated by the governor;
- (10) One member with expertise in Alzheimer's disease or related dementia;
- (11) One member from a county developmental disability board, designated by the governor;
- (12) One member representing the hospice care profession, designated by the governor;
- (13) One member representing the home health care profession, designated by the governor;
- (14) One member representing the adult day care profession, designated by the governor;
- (15) One member gerontologist, designated by the governor;
- (16) Two members representing the aged, blind, and disabled population, not of the same geographic area or demographic group designated by the governor;
- (17) The directors of the departments of social services, mental health, and health and senior services, or their designees; and
- (18) One member of the house of representatives and one member of the senate serving on the oversight committee, designated by the oversight committee chair.

Members shall serve on the subcommittee without compensation but may be reimbursed for their actual and necessary expenses from moneys appropriated to the department of health and senior services for that purpose. The department of health and senior services shall provide technical and administrative support services as required by the committee.

6. By October 1, 2008, the comprehensive entry point system subcommittee shall submit its report to the governor and general assembly containing recommendations for the implementation of the comprehensive entry point system, offering suggested legislative or administrative proposals deemed necessary by the subcommittee to minimize conflict of interests for successful implementation of the system. Such report shall contain, but not be limited to, recommendations for implementation of the following consistent with the provisions of section 208.950:

- (1) A complete statewide universal information and assistance system that is integrated into the web-based electronic patient health record that can be accessible by phone, in-person, via MO HealthNet providers and via the Internet that connects consumers to services or providers and is used to establish consumers' needs for services. Through the system, consumers shall be able to independently choose from a full range of home, community-based, and facility-based health and social services as well as access appropriate services to meet individual needs and preferences from the provider of the consumer's choice;
- (2) A mechanism for developing a plan of service or care via the web-based electronic patient health record to authorize appropriate services;
- (3) A preadmission screening mechanism for MO HealthNet participants for nursing home care;
- (4) A case management or care coordination system to be available as needed; and
- (5) An electronic system or database to coordinate and monitor the services provided which are

integrated into the web-based electronic patient health record.

7. Starting July 1, 2009, and for three years thereafter, the subcommittee shall provide to the governor, lieutenant governor and the general assembly a yearly report that provides an update on progress made by the subcommittee toward implementing the comprehensive entry point system.

8. The provisions of section 23.253 shall not apply to sections 208.950 to 208.955.”; and

Further amend said bill, Page 64, Section 324.1144, Line 6 of said page, by inserting after all of said line the following:

“332.021. 1. “The Missouri Dental Board” shall consist of seven members including five registered and currently licensed dentists, one registered and currently licensed dental hygienist with voting authority as limited in subsection 4 of this section, and one voting public member. Any currently valid certificate of registration or currently valid specialist’s certificate issued by the Missouri dental board as constituted pursuant to prior law shall be a valid certificate of registration or a valid specialist’s certificate, as the case may be, upon October 13, 1969, and such certificates shall be valid so long as the holders thereof comply with the provisions of this chapter.

2. Any person other than the public member appointed to the board as hereinafter provided shall be a dentist or a dental hygienist who is registered and currently licensed in Missouri, is a United States citizen, has been a resident of this state for one year immediately preceding his or her appointment, has practiced dentistry or dental hygiene for at least five consecutive years immediately preceding his or her appointment, shall have graduated from an accredited dental school or dental hygiene school, and at the time of his or her appointment or during his or her tenure on the board has or shall have no connection with or interest in, directly or indirectly, any dental college, dental hygiene school, university, school, department, or other institution of learning wherein dentistry or dental hygiene is taught, or with any dental laboratory or other business enterprise directly related to the practice of dentistry or dental hygiene.

3. The governor shall appoint members to the board by and with the advice and consent of the senate when a vacancy thereon occurs either by the expiration of a term or otherwise; provided, however, that any board member shall serve until his or her successor is appointed and has qualified. Each appointee, except where appointed to fill an unexpired term, shall be appointed for a term of five years. The president of the Missouri Dental Association in office at the time shall, at least ninety days prior to the expiration of the term of a board member other than the dental hygienist or public member, or as soon as feasible after a vacancy on the board otherwise occurs, submit to the director of the division of professional registration a list of five dentists qualified and willing to fill the vacancy in question, with the request and recommendation that the governor appoint one of the five persons so listed, and with the list so submitted, the president of the Missouri Dental Association shall include in his or her letter of transmittal a description of the method by which the names were chosen by that association.

4. The public member shall be at the time of his or her appointment a citizen of the United States; a resident of this state for a period of one year and a registered voter; a person who is not and never was a member of any profession licensed or regulated pursuant to this chapter or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by this chapter, or an activity or organization directly related to any profession licensed or regulated pursuant to this chapter. All members, including public members, shall be chosen from lists submitted by the director of the division of professional registration. **The list of dentists submitted to the governor shall include the names submitted to the director of the division of**

professional registration by the president of the Missouri Dental Association. This list shall be a public record available for inspection and copying under chapter 610. Lists of dental hygienists submitted to the governor may include names submitted to the director of the division of professional registration by the president of the Missouri Dental Hygienists' Association. The duties of the dental hygienist member shall not include participation in the determination for or the issuance of a certificate of registration or a license to practice as a dentist. The duties of the public member shall not include the determination of the technical requirements to be met for licensure or whether any person meets such technical requirements or of the technical competence or technical judgment of a licensee or a candidate for licensure.

5. The board shall have a seal which shall be in circular form and which shall impress the word "SEAL" in the center and around said word the words "Missouri Dental Board". The seal shall be affixed to such instruments as hereinafter provided and to any other instruments as the board shall direct.

6. The board may sue and be sued as the Missouri dental board, and its members need not be named as parties. Members of the board shall not be personally liable, either jointly or severally, for any act or acts committed in the performance of their official duties as board members; nor shall any board member be personally liable for any court costs which accrue in any action by or against the board.

334.120. 1. There is hereby created and established a board to be known as "The State Board of Registration for the Healing Arts" for the purpose of registering, licensing and supervising all physicians and surgeons, and midwives in this state. The board shall consist of nine members, including one voting public member, to be appointed by the governor by and with the advice and consent of the senate, at least five of whom shall be graduates of professional schools accredited by the Liaison Committee on Medical Education or recognized by the Educational Commission for Foreign Medical Graduates, and at least two of whom shall be graduates of professional schools approved and accredited as reputable by the American Osteopathic Association, and all of whom, except the public member, shall be duly licensed and registered as physicians and surgeons pursuant to the laws of this state. Each member must be a citizen of the United States and must have been a resident of this state for a period of at least one year next preceding his or her appointment and shall have been actively engaged in the lawful and ethical practice of the profession of physician and surgeon for at least five years next preceding his or her appointment. Not more than four members shall be affiliated with the same political party. All members shall be appointed for a term of four years. Each member of the board shall receive as compensation an amount set by the board not to exceed fifty dollars for each day devoted to the affairs of the board, and shall be entitled to reimbursement of his or her expenses necessarily incurred in the discharge of his or her official duties. The president of the Missouri State Medical Association, for all medical physician appointments, or the president of the Missouri Association of Osteopathic Physicians and Surgeons, for all osteopathic physician appointments, in office at the time shall, at least ninety days prior to the expiration of the term of the respective board member, other than the public member, or as soon as feasible after the appropriate vacancy on the board otherwise occurs, submit to the director of the division of professional registration a list of five physicians and surgeons qualified and willing to fill the vacancy in question, with the request and recommendation that the governor appoint one of the five persons so listed, and with the list so submitted, the president of the Missouri State Medical Association or the Missouri Association of Osteopathic Physicians and Surgeons, as appropriate, shall include in his or her letter of transmittal a description of the method by which the names were chosen by that association.

2. The public member shall be at the time of his or her appointment a citizen of the United States; a resident of this state for a period of one year and a registered voter; a person who is not and never was a

member of any profession licensed or regulated pursuant to this chapter or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by this chapter, or an activity or organization directly related to any profession licensed or regulated pursuant to this chapter. All members, including public members, shall be chosen from lists submitted by the director of the division of professional registration. **The list of medical physicians or osteopathic physicians submitted to the governor shall include the names submitted to the director of the division of professional registration by the president of the Missouri State Medical Association or the Missouri Association of Osteopathic Physicians and Surgeons, respectively. This list shall be a public record available for inspection and copying under chapter 610.** The duties of the public member shall not include the determination of the technical requirements to be met for licensure or whether any person meets such technical requirements or of the technical competence or technical judgment of a licensee or a candidate for licensure.”; and

Further amend the title and enacting clause accordingly.

Senator Schaaf moved that the above amendment be adopted, which motion prevailed.

Senator Chappelle-Nadal offered **SA 2** which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 464, Page 38, Section 210.496, Lines 1-21, by striking all of said section from the bill; and

Further amend said bill, page 132, section 208.530 lines 1-13, by striking all of said section from the bill; and

Further amend said bill, pages 132-133, section 208.533 by striking all of said section from the bill; and

Further amend said bill, pages 133-135, section 208.535 by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Chappelle-Nadal moved that the above amendment be adopted.

Senator Stouffer assumed the Chair.

At the request of Senator Wasson, **HCS** for **HB 464**, with **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

Senator Engler moved that **HB 71**, with **SS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Engler, **HB 71**, with **SS** and **SA 1** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 118**, entitled:

An Act to repeal sections 198.006 and 198.074, RSMo, and to enact in lieu thereof two new sections

relating to sprinkler system requirements in long-term care facilities.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 118, Page 6, Section 198.074, Line 37, by inserting an opening bracket “[” immediately before the word “If”; and

Further amend said bill, section and page, line 40, by inserting a closing bracket “]” immediately after the date “2013.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 61**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 322**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SB 226**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 250**, entitled:

An Act to repeal sections 566.147 and 589.040, RSMo, and to enact in lieu thereof two new sections relating to requirements for persons convicted of sexual assault offenses, with penalty provisions.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 250, Page 1, in the Title, Line 3, by deleting from said line the word “assault”; and

Further amend said Page, Section A, Line 2, by inserting after all of said section and line, the following:

“43.650. 1. The patrol shall, subject to appropriation, maintain a web page on the Internet which shall be open to the public and shall include a registered sexual offender search capability. **This web page shall only include the names and information for Tier II and III offenders. Tier I offenders’ names and information shall not be included on this public web page but the patrol shall maintain a separate registry for Tier I offenders to which only law enforcement agencies shall have access and then only**

for a period of five years.

2. **Except as provided in subsections 5, 6, and 7 of this section,** the registered sexual offender search shall make it possible for any person using the Internet to search for and find the information specified in subsection 4 of this section, if known, on offenders registered in this state pursuant to sections 589.400 to 589.425[, except that only persons who have been convicted of, found guilty of or plead guilty to committing, attempting to commit, or conspiring to commit sexual offenses shall be included on this website].

3. The registered sexual offender search shall include the capability to search for sexual offenders by name, zip code, and by typing in an address and specifying a search within a certain number of miles radius from that address.

4. Only the information listed in this subsection shall be provided to the public in the registered sexual offender search:

(1) The name and any known aliases of the offender;

(2) The date of birth and any known alias dates of birth of the offender;

(3) A physical description of the offender;

(4) The residence, temporary, work, and school addresses of the offender, including the street address, city, county, state, and zip code;

(5) [Any photographs of the offender] **A current photograph of the individual to be taken by the registering official;**

(6) A physical description of the offender's vehicles, including the year, make, model, color, and license plate number;

(7) The nature and dates of all offenses qualifying the offender to register, **including the tier level assigned to the offender under sections 589.400 to 589.425;**

(8) The date on which the offender was released from the department of mental health, prison, or jail, or placed on parole, supervised release, or probation for the offenses qualifying the offender to register;

(9) Compliance status of the offender with the provisions of section 589.400 to 589.425; [and]

(10) Any online identifiers, as defined in section 43.651, used by the person. Such online identifiers shall not be included in the general profile of an offender on the web page and shall only be available to a member of the public by a search using the specific online identifier to determine if a match exists with a registered offender;

(11) **The original and most recent registration date of the offender;**

(12) **The status of the offender's term of incarceration, probation, or parole; and**

(13) **Whether the offender is a repeat offender due to having multiple adjudications for separate offenses requiring registration under sections 589.400 to 589.425.**

5. Although required to register under sections 589.400 to 589.425, if:

(1) **There is no other offense for which the offender is required to register;**

(2) **The offender is not a repeat offender as a result of multiple adjudications for the offenses listed**

in this subsection; and

(3) No sexual conduct, attempted sexual conduct, or conspiracy to commit sexual conduct occurred during the offense.

Then offenders committing felonious restraint of a nonsexual nature when the victim was under the age of eighteen under section 565.120 or kidnapping of a nonsexual nature when the victim was under the age of eighteen under section 565.110, are exempt from the public notification requirements of this section.

6. Witnesses afforded federal protection required to register under sections 589.400 to 589.425, may be excluded from public notification under 18 U.S.C. Section 3521 et seq. while under active federal protection.

7. Juveniles required to register under subdivision (5) of subsection 1 of section 589.400 are exempt from public notification to include out-of-state, federal, military, tribal, territory, District of Columbia, or foreign country.”; and

Further amend said bill, Page 2, Section 589.040, Line 9, by inserting after all of said section and line, the following:

“589.400. 1. Sections 589.400 to 589.425 shall apply to:

(1) Any person who[, since July 1, 1979,] has been or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit [a felony] **an** offense [of chapter 566, including sexual trafficking of a child and sexual trafficking of a child under the age of twelve, or any offense of chapter 566 where the victim is a minor,] **listed in section 589.414** unless such person is [exempted] **exempt** from registering under subsection **7 or 8** of this section **or section 589.401**; or

(2) [Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit one or more of the following offenses: kidnapping when the victim was a child and the defendant was not a parent or guardian of the child; abuse of a child under section 568.060 when such abuse is sexual in nature; felonious restraint when the victim was a child and the defendant is not a parent or guardian of the child; sexual contact or sexual intercourse with a resident of a nursing home, under section 565.200; endangering the welfare of a child under section 568.045 when the endangerment is sexual in nature; genital mutilation of a female child, under section 568.065; promoting prostitution in the first degree; promoting prostitution in the second degree; promoting prostitution in the third degree; sexual exploitation of a minor; promoting child pornography in the first degree; promoting child pornography in the second degree; possession of child pornography; furnishing pornographic material to minors; public display of explicit sexual material; coercing acceptance of obscene material; promoting obscenity in the first degree; promoting pornography for minors or obscenity in the second degree; incest; use of a child in a sexual performance; or promoting sexual performance by a child; or

(3)] Any person who[, since July 1, 1979,] has been committed to the department of mental health as a criminal sexual psychopath; or

[(4)] **(3)** Any person who[, since July 1, 1979,] has been found not guilty as a result of mental disease or defect of any offense listed in [subdivision (1) or (2) of this subsection] **section 589.414**; or

[(5)] **(4)** Any juvenile certified as an adult and transferred to a court of general jurisdiction who has been [convicted of, found guilty of, or has pleaded guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a felony under chapter 566 which is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such offense] **adjudicated of an offense listed in section 589.414; or**

[(6)] **(5)** Any juvenile fourteen years of age or older at the time of the offense who has been adjudicated for an offense which is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such offense; **or**

[(7)] **(6)** Any person who is a resident of this state who has[, since July 1, 1979,] **been** or is hereafter convicted of, been found guilty of, or pled guilty to or nolo contendere in any other state, **territory, or the District of Columbia**, or foreign country, or under federal, tribal, or military jurisdiction to committing, attempting to commit, or conspiring to commit an offense which, if committed in this state, would [be a violation of chapter 566, or a felony violation of any offense listed in subdivision (2) of this subsection] **constitute an offense listed in section 589.414** or has been or is required to register in another state, **territory, the District of Columbia, or foreign country**, or has been or is required to register under tribal, federal, or military law; or

[(8)] **(7)** Any person who has been or is required to register in another state, **territory, the District of Columbia, or foreign country** or has been or is required to register under tribal, federal, or military law and who works or attends an educational institution, whether public or private in nature, including any secondary school, trade school, professional school, or institution of higher education on a full-time or on a part-time basis or has a temporary residence in Missouri. “Part-time” in this subdivision means for more than seven days in any twelve-month period.

2. Any person to whom sections 589.400 to 589.425 apply shall, within three **business** days of [conviction] **adjudication**, release from incarceration, or placement upon probation, register with the chief law enforcement official of the county or city not within a county in which such person resides unless such person has already registered in that county for the same offense. **For any juvenile in subdivision (5) of subsection 1 of this section, within three business days of adjudication or release from commitment to the division of youth services, the department of mental health, or other placement, he or she shall register with the chief law enforcement official of the county or city not within a county in which such person resides unless such person has already registered in that county for the same offense.** Any person to whom sections 589.400 to 589.425 apply if not currently registered in their county of residence shall register with the chief law enforcement official of such county or city not within a county within three **business** days. The chief law enforcement official shall forward a copy of the registration form required by section 589.407 to a city, town, village, or campus law enforcement agency located within the county of the chief law enforcement official[, if so requested. Such request may ask the chief law enforcement official to forward copies of all registration forms filed with such official. The chief law enforcement official may forward a copy of such registration form to any city, town, village, or campus law enforcement agency, if so requested].

3. The registration requirements of sections 589.400 through 589.425 are lifetime registration requirements unless:

- (1) All offenses requiring registration are reversed, vacated or set aside;
- (2) The registrant is pardoned of the offenses requiring registration **in the state of Missouri, or if not**

in Missouri, pardoned in another state, territory, the District of Columbia, or foreign country and the pardon explicitly states that the person is relieved of his or her duty to register as a sexual offender;

(3) The registrant is no longer required to register and his or her name shall be removed from the registry under the provisions of [subsection 6 of this] section **589.401**; or

(4) The [registrant may petition the court for removal or exemption from the registry under subsection 7 or 8 of this section and the] court orders the removal or exemption of such person from the registry **under section 589.401**.

4. For processing an initial sex offender registration the chief law enforcement officer of the county or city not within a county may charge the offender registering a fee of up to ten dollars.

5. For processing any change in registration required pursuant to section 589.414 the chief law enforcement official of the county or city not within a county may charge the person changing their registration a fee of five dollars for each change made after the initial registration.

6. The following individuals shall be exempt from registering as a sexual offender: any person currently on the sexual offender registry **or who otherwise would be required to register** for being convicted of, found guilty of, or pleading guilty or nolo contendere to committing, attempting to commit, or conspiring to commit, felonious restraint **of a nonsexual nature** when the victim was a child and he or she was the parent or guardian of the child, nonsexual child abuse that was committed under section 568.060, or kidnapping **of a nonsexual nature** when the victim was a child and he or she was the parent or guardian of the child shall be removed from the registry. However, such person shall remain on the sexual offender registry for any other offense for which he or she is required to register under sections 589.400 to 589.425.

7. The following individuals shall be exempt from registering as a sexual offender upon filing a petition with the court with jurisdiction under section 589.401, and that court ordering the petitioner to be removed from the registry:

(1) Any person currently on the sexual offender registry **or who otherwise would be required to register** for [having been convicted of, found guilty of, or having pleaded guilty or nolo contendere to committing, attempting to commit, or conspiring to commit promoting prostitution in the second degree, promoting prostitution in the third degree, public display of explicit sexual material, statutory rape in the second degree, and no physical force or threat of physical force was used in the commission of the crime may file a petition in the civil division of the circuit court in the county in which the offender was convicted or found guilty of or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit the offense or offenses for the removal of his or her name from the sexual offender registry after ten years have passed from the date he or she was required to register] **a sexual offense involving sexual conduct where no force or threat of force was directed toward the victim or any other individual involved and:**

(a) The victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense; or

(b) The victim was eighteen years of age or younger and the offender was not more than five years older than the victim at the time of the commission of the offense.

However, such person shall remain on the sexual offender registry for any other offense for which he or she is required to register under sections 589.400 to 589.425; or

(2) Effective August 28, 2011, any person currently required to register for the following sexual offenses, however, such person shall remain on the sexual offender registry for any other offense for which he or she is required to register under sections 589.400 to 589.425:

- (a) Sexual misconduct in the second degree under section 566.093;**
- (b) Sexual misconduct in the third degree under section 566.095;**
- (c) Promoting obscenity in the first degree under section 573.020;**
- (d) Promoting obscenity in the second degree under section 573.030;**
- (e) Furnishing pornographic materials to minors under section 573.040;**
- (f) Public display of explicit sexual material under section 573.060; or**
- (g) Coercing acceptance of obscene material under section 573.065.**

8. [Effective August 28, 2009,] Any person **currently** on the sexual offender registry for having been convicted of, found guilty of, or having pled guilty or nolo contendere to [an offense included under subsection 1 of this section may file a petition after two years have passed from the date the offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses in the civil division of the circuit court in the county in which the offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses for removal of his or her name from the registry if such person was nineteen years of age or younger and the victim was thirteen years of age or older at the time of the offense and no physical force or threat of physical force was used in the commission of the offense, unless such person meets the qualifications of this subsection, and such person was eighteen years of age or younger at the time of the offense, and is convicted or found guilty of or pleads guilty or nolo contendere to a violation of section 566.068, 566.090, 566.093, or 566.095 when such offense is a misdemeanor, in which case, such person may immediately file a petition to remove or exempt his or her name from the registry upon his or her conviction or finding or pleading of guilty or nolo contendere to such offense] **committing, attempting to commit, or conspiring to commit a Tier I, II, or juvenile Tier III offense or other comparable offense listed in section 589.414 may file a petition under section 589.401.**

9. [(1) The court may grant such relief under subsection 7 or 8 of this section if such person demonstrates to the court that he or she has complied with the provisions of this section and is not a current or potential threat to public safety. The prosecuting attorney in the circuit court in which the petition is filed must be given notice, by the person seeking removal or exemption from the registry, of the petition to present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. Failure of the person seeking removal or exemption from the registry to notify the prosecuting attorney of the petition shall result in an automatic denial of such person's petition. If the prosecuting attorney is notified of the petition he or she shall make reasonable efforts to notify the victim of the crime for which the person was required to register of the petition and the dates and times of any hearings or other proceedings in connection with that petition.

(2) If the petition is denied, such person shall wait at least twelve months before petitioning the court again. If the court finds that the petitioner is entitled to relief, which removes or exempts such person's name from the registry, a certified copy of the written findings or order shall be forwarded by the court to the chief law enforcement official having jurisdiction over the offender and to the Missouri state highway patrol in order to have such person's name removed or exempted from the registry.

10.] Any nonresident worker **to include work as a volunteer or intern** or nonresident student shall register for the duration of such person's employment or attendance at any school **whether public or private in nature, including any secondary school, trade school, professional school, or institution** of higher education [and is not entitled to relief under the provisions of subsection 9 of this section] **on a full-time or part-time basis in Missouri unless granted relief under section 589.401**. Any registered offender from another state who has a temporary residence in this state and resides more than seven days in a twelve-month period shall register for the duration of such person's temporary residency [and is not entitled to the provisions of subsection 9 of this section] **unless granted relief under section 589.401**.

[11. Any person whose name is removed or exempted from the sexual offender registry under subsection 7 or 8 of this section shall no longer be required to fulfill the registration requirements of sections 589.400 to 589.425, unless such person is required to register for committing another offense after being removed from the registry.]

589.401. 1. A person on the sexual offender registry may file a petition in the division of the circuit court in the county in which the offense requiring registration was adjudicated to have his or her name removed from the sexual offender registry.

2. A person who is required to register in Missouri because of an adjudication that was committed in another jurisdiction shall file their petition for removal according to the laws of the state, territory, tribal, or military jurisdiction, the District of Columbia, or foreign country in which their offense was adjudicated. Upon the grant of the petition for removal in the jurisdiction where the offense was adjudicated, said judgment may be registered in this state by sending the information required in subsection 5 of this section as well as one authenticated copy of the order granting removal from the sexual offender registry in the jurisdiction where the offense was adjudicated, to the court in the county in which the offender is required to register. On receipt of a request for registration removal, the registering court shall cause the order to be filed as a foreign judgment, together with one copy of the documents and information, regardless of their form. The petitioner shall be responsible for costs associated with filing the petition.

3. A person required to register as a Tier III offender cannot file a petition under this section unless the requirement to register results from a juvenile adjudication.

4. The petition shall be dismissed without prejudice if the following time periods have not elapsed since the date the person was required to register:

- (1) For a Tier I offense, five years;**
- (2) For a Tier II offense, ten years;**
- (3) For a Tier III offense adjudicated as a juvenile, twenty-five years.**

5. The petition shall be dismissed without prejudice if it fails to include any of the following:

- (1) The petitioner's:**
 - (a) Full name;**
 - (b) Sex;**
 - (c) Race;**
 - (d) Date of birth;**

- (e) Last four digits of the Social Security number;**
 - (f) Address;**
 - (g) Place of employment, school, or volunteer status;**
 - (2) The offense and tier of the offense that required the petitioner to register;**
 - (3) The date the petitioner plead to, was convicted of or was adjudicated for the offense;**
 - (4) The date the petitioner was required to register;**
 - (5) The case number and court, including county, that entered the original order for the adjudicated sex offense;**
 - (6) Petitioner's fingerprints on an applicant fingerprint card;**
 - (7) If the petitioner was pardoned or an offense requiring registration was reversed, vacated or set aside, an authenticated copy of the order;**
 - (8) If the petitioner is currently registered under applicable law and has not been adjudicated for failure to register in any jurisdiction and does not have any charges pending for failure to register.**
- 6. The petition shall name as respondents the Missouri state highway patrol and the chief law enforcement official in the county or city not within a county in which the petition is filed.**
- 7. All proceedings under this section shall be governed under the Missouri supreme court rules of civil procedure.**
- 8. The prosecuting attorney in the circuit court in which the petition is filed must be given notice, by the person seeking removal or exemption from the registry, of the petition to present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. Failure of the person seeking removal or exemption from the registry to notify the prosecuting attorney of the petition shall result in an automatic denial of such person's petition.**
- 9. The prosecuting attorney in the circuit court in which the petition is filed shall have access to all applicable records concerning the petitioner including but not limited to criminal history records, mental health records, juvenile records, and records of the department of corrections and/or probation and parole.**
- 10. The prosecuting attorney shall make reasonable efforts to notify the victim of the crime for which the person was required to register of the petition and the dates and times of any hearings or other proceedings in connection with that petition.**
- 11. The court shall not enter an order directing the removal of the petitioner's name from the sexual offender registry unless it finds the petitioner:**
- (1) Has not been adjudicated of or have charges pending for any additional nonsexual offense for which imprisonment for more than one year may be imposed since the date that the offender was required to register for their current tier level;**
 - (2) Has not been adjudicated of or have charges pending for any additional sex offense that would require registration under sections 589.400 to 589.425 since the date that the offender was required to register for their current tier level, even if the offense was punishable by less than one year imprisonment;**

(3) Has successfully completed any required periods of supervised release, probation, or parole without revocation since the date that the offender was required to register for their current tier level;

(4) Has successfully completed an appropriate sex offender treatment program as approved by a court of jurisdiction or the Missouri department of corrections; and

(5) Is not a current or potential threat to public safety.

12. In order to prove the facts required by subdivisions (1) and (2) of subsection 11 of this section, the fingerprints filed in the case shall be examined by the Missouri state highway patrol.

13. If it is found that the petition is denied due to a violation of subdivision (1) or (2) of subsection 11 of this section then the petitioner may not file a new petition under this section until:

(1) Five years have passed from the date of the adjudication resulting in the denial of relief, if the petitioner is classified as a Tier I offender;

(2) Ten years have passed from the date of adjudication resulting in the denial of relief, if the petitioner is classified as a Tier II offender; or

(3) Twenty-five years have passed from the date of the adjudication resulting in the denial of relief, if the petitioner is classified as a Tier III offender on the basis of a juvenile adjudication.

14. If the petition is denied for reasons other than those outlined in subdivision (1) or (2) of subsection 11 of this section, no successive petition requesting such relief shall be filed for at least five years from the date the judgment denying relief is entered.

15. If the court finds that the petitioner is entitled to have his or her name removed from the sexual offender registry, it shall enter judgment directing the Missouri state highway patrol to remove the name within three business days of receiving the judgment. A copy of the judgment shall be provided to the respondents named in the petition.

16. Any person subject to judgment requiring his or her name to be removed from the sexual offender registry is not required to register under sections 589.400 to 589.425 unless such person is required to register for an offense that was committed after the judgment of removal was entered.

17. The court may deny the petition for any legitimate legal justification.

589.402. 1. The chief law enforcement officer of the county or city not within a county may maintain a web page on the Internet, which shall be open to the public and shall include a registered sexual offender search capability. **This web page shall only include the names and information for Tier II and III offenders. Tier I offenders names and information shall not be included on this public web page.**

2. **Except as provided by subsections 5 and 6 of this section** the registered sexual offender search [shall] **may** make it possible for any person using the Internet to search for and find the information specified in subsection 3 of this section, if known, on **Tier II and III** offenders registered in this state pursuant to sections 589.400 to 589.425[, except that only persons who have been convicted of, found guilty of, or plead guilty to committing, attempting to commit, or conspiring to commit sexual offenses shall be included on this website].

3. Only the information listed in this subsection [shall] **may** be provided to the public in the registered sexual offender search:

- (1) The name and any known aliases of the offender;
 - (2) The date of birth and any known alias dates of birth of the offender;
 - (3) A physical description of the offender;
 - (4) The residence, temporary, work, and school addresses of the offender, including the street address, city, county, state, and zip code;
 - (5) [Any photographs of the offender] **A current photograph of the individual to be taken by the registering official;**
 - (6) A physical description of the offender's vehicles, including the year, make, model, color, and license plate number;
 - (7) The nature and dates of all offenses qualifying the offender to register, **including the Tier level assigned to the offender under sections 589.400 to 589.425;**
 - (8) The date on which the offender was released from the department of mental health, prison, or jail, or placed on parole, supervised release, or probation for the offenses qualifying the offender to register;
 - (9) Compliance status of the offender with the provisions of sections 589.400 to 589.425; [and]
 - (10) Any online identifiers, as defined in section 43.651, used by the person. Such online identifiers shall not be included in the general profile of an offender on the web page and shall only be available to a member of the public by a search using the specific online identifier to determine if a match exists with a registered offender;
 - (11) The original registration date and most recent registration date of the offender;**
 - (12) The status of the offender's term of incarceration, probation, or parole; and**
 - (13) Whether the offender is a repeat offender due to having multiple adjudications for separate offenses requiring registration under sections 589.400 to 589.425.**
4. The chief law enforcement officer of any county or city not within a county may publish in any newspaper distributed in the county or city not within a county the sexual offender information provided under subsection 3 of this section for any **Tier II or III** offender residing in the county or city not within a county.

5. Although required to register under sections 589.400 to 589.425, if:

- (1) There is no other offense for which the offender is required to register;**
- (2) The offender is not a repeat offender as a result of multiple adjudications for the offenses listed in this subsection; and**
- (3) No sexual conduct, attempted sexual conduct, or conspiracy to commit sexual conduct, occurred during the offense.**

Then offenders committing felonious restraint of a nonsexual nature when the victim was under the age of eighteen under section 565.120, or kidnapping of a nonsexual in nature when the victim was under the age of eighteen under section 565.110, are exempt from the public notification requirements of this section.

6. Witnesses afforded federal protection required to register under sections 589.400 to 589.425,

may be excluded from public notification under 18 U.S.C. Section 3521 et seq. while under active federal protection.

7. Juveniles required to register under subdivision (5) of subsection 1 of section 589.400 are exempt from public notification to include out-of-state, federal, military, tribal, territory, District of Columbia, or foreign country.

589.403. 1. Any person [to whom subsection 1 of section 589.400 applies] who is required to register under sections 589.400 to 589.425 who is paroled, discharged, or otherwise released from any correctional facility of the department of corrections [or], any mental health institution, private jail under section 221.095, or other private facility recognized by or contracted with the department of corrections or department of mental health where such person was confined shall:

(1) If the person plans to reside in Missouri, be informed by the official in charge of such correctional facility or mental health institution of the person's possible duty to register pursuant to sections 589.400 to 589.425. If such person is required to register pursuant to sections 589.400 to 589.425, the official in charge of the correctional facility or the mental health institution shall complete the initial registration notification at least seven days prior to release and forward the offender's registration, within three business days of release, to the Missouri state highway patrol and to the chief law enforcement official of the county or city not within a county where the person expects to reside upon discharge, parole or release[. When the person lists an address where he or she expects to reside that is not in this state, the initial registration shall be forwarded to the Missouri state highway patrol.]; or

(2) If the person does not reside or plan to reside in Missouri, be informed by the official in charge of such correctional facility or mental health institution of the person's possible duty to register under sections 589.400 to 589.425. If such person is required to register under sections 589.400 to 589.425, the official in charge of the correctional facility or the mental health institution shall complete the initial registration notification at least seven days prior to release and forward the offender's registration within three business days of release to the Missouri state highway patrol and chief law enforcement official within the county that the correctional facility or mental health institution is located.

2. If the offender refuses to complete and sign the registration information as outlined in this section, or fails to register with the chief law enforcement official within three business days as directed, it will constitute an offense of failure to register under section 589.425.

589.404. As used in sections 589.400 to 589.425 the following terms mean:

(1) "Absconder", a sex offender who has failed to register and whose whereabouts are unknown;

(2) "Adjudication", a plea of guilt, finding of guilt, finding of not guilty due to mental disease or defect, plea of nolo contendere to committing, attempting to commit, or conspiring to commit;

(3) "Employee", includes an individual who is self-employed or works for any other entity, whether compensated or not. This definition includes working as a volunteer or unpaid intern;

(4) "Habitually lives", when an offender is classified as homeless, the place where the offender habitually lives shall be defined as information about a certain part of a city, town, or county that is the sex offender's habitual locale, a park, or spot on the street, or a number of such places, where the sex offender stations himself or herself during the day or sleeps at night, shelters among which the

sex offender circulates, or places in public buildings, restaurants, libraries, or other establishments that the sex offender frequents;

(5) “Habitually located”, in regard to means of transportation, the place where a vehicle, watercraft, or aircraft is normally located when not in use;

(6) “Noncompliant”, a sexual offender who has not completed or updated his or her information and is not compliant with the chief law enforcement officer in the county in which they reside;

(7) “Offender registration”, defines the required minimum informational content of sex offender registries and will consist of but will not be limited to, a full set of fingerprints on a standard sex offender registration card upon initial registration in Missouri, as well as all other forms required by the Missouri state highway patrol upon each initial and subsequent registration;

(8) “Residence”, is defined as any place where an offender sleeps for seven or more consecutive or nonconsecutive days or nights within a twelve-month period;

(9) “Sexual act”, any type or degree of genital, oral, or anal penetration;

(10) “Sexual contact”, any sexual touching of or contact with a person’s body, either directly or through the clothing;

(11) “Sexual element”, used for the purposes of distinguishing if sexual contact or a sexual act was committed. Authorities will refer to information filed by the prosecutor, amended information filed by the prosecutor, indictment information filed by the prosecutor, or amended indictment information filed by the prosecutor, plea agreement, or court documentation to determine if a sexual element exists;

(12) “Sex offender”, any person who meets the criteria to register under sections 589.400 to 589.425 or the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 248-109);

(13) “Sex offense”, any offense which is listed in section 589.414 or comparable to those listed in section 589.414 or otherwise comparable to offenses covered under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 248-109);

(14) “Signature”, the name of the offender signed in writing or electronic form approved by the Missouri state highway patrol;

(15) “Student”, an individual who enrolls in or attends the physical location of an educational institution, including (whether public or private) a secondary school, trade or professional school, and institutions of higher education;

(16) “Vehicle”, any land vehicle.

589.405. 1. Any person [to whom subsection 1 of section 589.400 applies] **who is required to register under sections 589.400 to 589.425** who is released on probation, discharged upon payment of a fine, or released after confinement in a county jail shall, prior to such release or discharge, be informed of the possible duty to register pursuant to sections 589.400 to 589.425 by the court having jurisdiction over the case. If such person is required to register pursuant to sections 589.400 to 589.425 **and is placed on probation**, the court shall [obtain the address where the person expects to reside upon discharge, parole or

release and shall] **make it a condition of probation that the offender** report, within three business days[, such address] to the chief law enforcement official of the county **of adjudication** or city not within a county [where the person expects to reside, upon discharge, parole or release] **of adjudication, to complete the initial registration. If such offender is not placed on probation the court shall:**

(1) **If the offender resides in Missouri, complete the initial notification of duty to register form approved by the state judicial records committee and Missouri state highway patrol and forward the form within three business days to the Missouri state highway patrol and the chief law enforcement official in the county in which the offender resides;**

(2) **If the offender does not reside in Missouri, the court shall:**

(a) **Order the offender to proceed directly to the chief law enforcement official in the county where the adjudication was heard to register as outlined in sections 589.400 to 589.425; and**

(b) **Complete the initial notification of duty to register form approved by the state judicial records committee and Missouri state highway patrol and forward the form within three business days to the Missouri state highway patrol and the chief law enforcement official in the county where the offender was adjudicated.**

2. If the offender refuses to complete and sign the registration information as outlined in subsection 1 of this section or if the offender resides outside of Missouri and fails to directly report to the chief law enforcement official as outlined in subsection 2 of this section, it will constitute an offense of failure to register under section 589.425.

589.407. 1. Any registration pursuant to sections 589.400 to 589.425 shall consist of completion of an offender registration form developed by the Missouri state highway patrol **or other format approved by the Missouri state highway patrol**. Such form **will consist of a statement in writing, including the signature of the offender and** shall include, but is not limited to the following:

(1) [A statement in writing signed by the person, giving the name, address, Social Security number and phone number of the person, the license plate number and vehicle description, including the year, make, model, and color of each vehicle owned or operated by the offender, any online identifiers, as defined in section 43.651, used by the person, the place of employment of such person, enrollment within any institutions of higher education, the crime which requires registration, whether the person was sentenced as a persistent or predatory offender pursuant to section 558.018, the date, place, and a brief description of such crime, the date and place of the conviction or plea regarding such crime, the age and gender of the victim at the time of the offense and whether the person successfully completed the Missouri sexual offender program pursuant to section 589.040, if applicable;] **The full name of the individual to include any alias, maiden, nicknames, pseudonym, ethnic or tribal names used, regardless of the context in which they are used;**

(2) **The date of birth of the individual to include any alias date of births used;**

(3) **The address of the individual's residences or, if the individual is deemed homeless under section 589.414, the names and addresses of habitual locales frequented during the day and night to include any temporary homeless shelter or other temporary residence;**

(4) **The name and fixed address of the individual's employers, to include any place where the individual serves as a volunteer or unpaid intern. If the individual's place of employment is not fixed,**

the places where the individual works with whatever definiteness is possible under the circumstances shall be required, such as information about normal travel routes or the general areas in which the individual works;

(5) The name and address of any institutions of higher education that the individual attends;

(6) The Social Security number of the individual including any alias Social Security numbers used;

(7) The telephone numbers of the individual including all landline and cellular telephone numbers used;

(8) The license plate number, registration number, vehicle identification number, and vehicle description, including the year, make, model, color, and habitual location of each vehicle owned or operated by the individual for personal or work use;

(9) Any online identifiers as defined in section 43.651 which are used by the individual for personal purposes;

(10) The crime for which the individual is registering including whether the person was sentenced as a persistent or predatory offender under section 558.018;

(11) The date, place, a brief description of the crime including the date and place of the adjudication regarding such crime;

(12) The age and gender of the victim at the time of the offense;

(13) The date the individual successfully completed the Missouri sexual offender program under section 589.040 or that the program was not successfully completed;

(14) The status of the individual's parole, probation, or supervised release, if applicable;

(15) Passport and immigration numbers to include expiration dates;

(16) The physical description of the sex offender to include the physical appearance or characteristics, and identifying marks such as scars, marks, or tattoos.

2. The following shall be included with the form:

(1) Copies of all of the individual's passport or immigration documents;

(2) The fingerprints, palm prints, and a photograph of the person; [and]

(3) A current photograph of the individual to be taken by the registering official; and

[(3)] (4) A DNA sample from the individual, if a sample has not already been obtained.

[2.] 3. The offender shall provide positive identification and documentation to substantiate the accuracy of the information completed on the offender registration form, including but not limited to the following:

(1) A photocopy of a valid driver's license or nondriver's identification card;

(2) A document verifying proof of the offender's residency; and

(3) A photocopy of the vehicle registration for each of the offender's vehicles.

4. The Missouri state highway patrol shall maintain all required registration information in digitized form.

5. Upon receipt of any changes to an offender's registration information contained in this section, the Missouri state highway patrol shall immediately notify all other jurisdictions in which the offender is either registered or required to register.

6. The offender shall be responsible for reviewing their existing registration information for accuracy at every regular in person appearance and if any inaccuracies are found provide proof of the information in question.

7. The signed offender registration form shall serve as proof that the individual understands his or her duty to register as a sexual offender under sections 589.400 to 589.425 and a statement to this effect will be included on the form that the individual is required to sign at each registration.

589.408. 1. Any person who would otherwise be a Tier II or Tier III offender may file a petition in the division of the circuit court in the county in which the offense requiring classification as a Tier II or Tier III offender was adjudicated to have his or her classification lowered one Tier.

2. A person whose offense requiring classification in Missouri as a Tier II or Tier III offender was adjudicated in another jurisdiction shall file his or her petition in the court in the county in which the offender is required to register. The petitioner shall be responsible for costs associated with filing the petition.

3. The petition shall be dismissed without prejudice if it fails to include any of the following:

(1) The petitioner's:

(a) Full name;

(b) Sex;

(c) Race;

(d) Date of birth;

(e) Last four digits of the Social Security number;

(f) Address;

(g) Place of employment, school, or volunteer status;

(2) The offense or offenses requiring classification as a Tier II or Tier III offender;

(3) All offenses that required the petitioner to register;

(4) The date the petitioner was required to register;

(5) The case number and court, including county, that entered the order for the adjudicated sex offense requiring classification as a Tier II or Tier III offender;

(6) Petitioner's fingerprints on an applicant fingerprint card;

(7) If the petitioner is currently registered under applicable law and has not been adjudicated for failure to register in any jurisdiction and does not have any charges pending for failure to register.

4. The petition shall name as respondents the Missouri state highway patrol and the chief law enforcement official in the county or city not within a county in which the petition is filed.

5. All proceedings under this section shall be governed under the Missouri supreme court rules

of civil procedure.

6. In making a determination as to whether the petition should be granted the court shall, at a minimum, consider the following factors:

(1) The seriousness of the offense should the offender reoffend. This factor includes consideration of the following:

- (a) The degree of likely force or harm;**
- (b) The degree of likely physical contact; and**
- (c) The age of the likely victim;**

(2) The offender's prior offense history. This factor includes consideration of the following:

- (a) The relationship of prior victims to the offender;**
- (b) The number of prior sexual offenses or victims;**
- (c) The number of prior noncontact sexual offenses;**
- (d) The number of prior nonsexual violent offenses;**
- (e) The number of prior sentencing dates;**

(f) The duration of the offender's prior offense history;

(g) The length of time since the offender's last prior offense while the offender was at risk to commit offenses; and

(h) The offender's prior history of other antisocial acts;

(3) The offender's characteristics. This factor includes consideration of the following:

- (a) The offender's response to prior treatment efforts; and**
- (b) The offender's history of substance abuse;**

(4) The availability of community supports to the offender. This factor includes consideration of the following:

(a) The availability and likelihood that the offender will be involved in therapeutic treatment;

(b) The availability of residential supports to the offender, such as a stable and supervised living arrangement in an appropriate location;

(c) The offender's familial and social relationships, including the nature and length of these relationships and the level of support that the offender may receive from these persons; and

(d) The offender's lack of education or employment stability;

(5) Whether the offender has indicated or credible evidence in the record indicates that the offender will reoffend if released into the community;

(6) Whether the offender had any unrelated victims;

(7) Whether the offender had any stranger victims;

(8) Whether the offender had any male victims;

(9) The current age of the offender;

(10) Whether the offender has ever lived with a lover for at least two years; and

(11) Whether the offender demonstrates a physical condition that minimizes the risk of reoffense, including but not limited to, advanced age or a debilitating illness or physical condition.

7. The prosecuting attorney in the circuit court in which the petition is filed shall be given notice, by the person seeking a reduction in classification, of the petition to present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. Failure of the person seeking a reduction in classification level to notify the prosecuting attorney of the petition shall result in an automatic denial of such person's petition.

8. The prosecuting attorney in the circuit court in which the petition is filed shall have access to all applicable records concerning the petitioner including but not limited to criminal history records, mental health records, juvenile records, and records of the department of corrections and/or probation and parole.

9. The prosecuting attorney shall make reasonable efforts to notify the victim of the crime for which the person was required to be classified as a Tier II or Tier III offender of the petition and the dates and times of any hearings or other proceedings in connection with that petition.

10. The court shall not enter an order directing the lowering of the classification from a Tier II offender to a Tier I offender or from a Tier III offender to a Tier II offender unless it finds the petitioner:

(1) Has not been adjudicated of or have charges pending for any additional nonsexual offense for which imprisonment for more than one year may be imposed since the date that the offender was required to register for the offense requiring classification as a Tier III offender;

(2) Has not been adjudicated of or have charges pending for any additional sex offense that would require registration under sections 589.400 to 589.425 since the date that the offender was required to register for the offense requiring classification as a Tier II or Tier III offender, even if the offense was punishable by less than one year imprisonment.

11. In order to prove the facts required by subdivisions (1) and (2) of subsection 10 of this section, the fingerprints filed in the case shall be examined by the Missouri state highway patrol.

12. If it is found that the petition is denied a Tier II offender may not file a new petition under this section until five years have passed from the date of the adjudication resulting in the denial of relief and a Tier III offender may not file a new petition under this section until ten years have passed from the date of the adjudication resulting in the denial of relief.

13. If the court finds that the petitioner is entitled to have his or her classification lowered, it shall enter judgment directing the Missouri state highway patrol to change the offender's classification either from a Tier II to a Tier I offender or from a Tier III to a Tier II offender within three business days of receiving the judgment. A copy of the judgment shall be provided to the respondents named in the petition.

14. The court may deny the petition for any legitimate legal justification.

589.414. 1. Any person required by sections 589.400 to 589.425 to register shall, not later than three

business days [after each change of name, residence within the county or city not within a county at which the offender is registered, employment, or student status,] appear in person to the chief law enforcement officer of the county or city not within a county [and inform such officer of all changes in the information required by the offender. The chief law enforcement officer shall immediately forward the registrant changes to the Missouri state highway patrol within three business days] **if there is a change to any of the following information:**

- (1) Name;
- (2) Residence;
- (3) Employment;
- (4) Student status; or
- (5) A termination to any of the items listed in this subsection.

2. Any person required to register under sections 589.400 to 589.425 shall within three business days after a change, notify the chief law enforcement officer of the county or city not within a county of any changes to the following information:

- (1) Vehicle information;
- (2) Temporary residence information;

(3) Email addresses, instant messaging addresses, and any other designations used in internet communications, postings, or telephone communications.

3. The chief law enforcement official in the county or city not within a county shall immediately forward the registration changes described in subsections 1 and 2 of this section to the Missouri state highway patrol within three business days.

[2.] **4.** If any person required by sections 589.400 to 589.425 to register changes such person's residence or address to a different county or city not within a county, the person shall appear in person and shall inform both the chief law enforcement official with whom the person last registered and the chief law enforcement official of the county or city not within a county having jurisdiction over the new residence or address in writing within three business days of such new address and phone number, if the phone number is also changed. If any person required by sections 589.400 to 589.425 to register changes their state, **or foreign country, or federal, tribal, or military jurisdiction** of residence, the person shall appear in person and shall inform both the chief law enforcement official with whom the person was last registered and the chief law enforcement official of the area in the new state, **or foreign country, or federal, tribal, or military jurisdiction** having jurisdiction over the new residence or address within three business days of such new address. Whenever a registrant changes residence, the chief law enforcement official of the county or city not within a county where the person was previously registered shall inform the Missouri state highway patrol of the change within three business days. When the registrant is changing the residence to a new state **or foreign country, or federal, tribal, or military jurisdiction**, the Missouri state highway patrol shall inform the responsible official in the new state, **or foreign country, or federal, tribal, or military jurisdiction** of residence within three business days.

[3.] **5. Tier I sexual offenders**, in addition to the requirements of subsections 1 [and 2] **to 4** of this section, [the following offenders] shall report in person to the chief law enforcement [agency every ninety days] **official annually in the month of their birth** to verify the information contained in their statement

made pursuant to section 589.407. **Tier I sexual offenders include:**

(1) [Any offender registered as a predatory or persistent sexual offender under the definitions found in section 558.018;] **Any offender who has been convicted of, found guilty of, or has pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit the crime of:**

(a) **Felonious restraint when there is sexual motivation under section 565.120;**

(b) **Skilled nursing facility residents, sexual contact or intercourse with under section 565.200;**

(c) **Invasion of privacy first degree under section 565.252;**

(d) **Invasion of privacy second degree under section 565.253;**

(e) **Child molestation second degree when the victim is fourteen to seventeen years of age under section 566.068;**

(f) **Sexual misconduct involving a child under section 566.083;**

(g) **Sexual misconduct in the first degree under section 566.090;**

(h) **Sexual contact with prisoner or offender under section 566.145;**

(i) **Age misrepresentation under section 566.153;**

(j) **Endangering the welfare of a child in the second degree when it is sexual in nature and when the victim is fourteen to seventeen years of age under section 568.050; or**

(k) **Possession of child pornography under section 537.037;**

(2) **Any offender whose classification was changed to a Tier I offender by court order under section 589.408;**

(3) **Any offender who is [registered for a crime where the victim was less than eighteen years of age at the time of the offense; and] or has been convicted of, been found guilty of, or pled guilty or nolo contendere in any other state, territory, or the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction to committing, attempting to commit, or conspiring to commit an offense of a sexual nature or with a sexual element that is comparable to the Tier I sexual offenses listed in this subsection or, if not comparable to those in this subsection, comparable to those described as Tier I offenses under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 248-109).**

[(3) Any offender who has pled guilty or been found guilty pursuant to section 589.425 of failing to register or submitting false information when registering.

4.] **6. Tier II sexual offenders**, in addition to the requirements of subsections 1 [and 2] **to 4** of this section, [all registrants] shall report [semiannually] in person in the month of their birth [and six months thereafter] to the chief law enforcement [agency] **official** to verify the information contained in their statement made pursuant to section 589.407 **and six months thereafter, shall report by mail, on a form to be provided by the Missouri state highway patrol, to update any change in information or to indicate that there has been no change. This form shall require the signature of the offender.** [All registrants shall allow the chief law enforcement officer to take a current photograph of the offender in the month of his or her birth to the chief law enforcement agency.] **Tier II sexual offenders include:**

(1) **Any offender who has been convicted of, found guilty of, or has pled guilty or nolo contendere**

to committing, attempting to commit, or conspiring to commit the crime of:

- (a) Statutory rape in the second degree under section 566.034;**
 - (b) Statutory sodomy in the second degree under section 566.064;**
 - (c) Child molestation in the first degree when the victim is fourteen to seventeen years of age under section 566.067;**
 - (d) Sexual contact with a student while on public school property when the victim is fourteen to seventeen years of age under section 566.086;**
 - (e) Sexual abuse when the victim is fourteen years of age or older under section 566.100;**
 - (f) Enticement of a child under section 566.151;**
 - (g) Trafficking for the purpose of sexual exploitation under section 566.209;**
 - (h) Child molestation in the second degree when the victim is under fourteen years of age under section 566.068;**
 - (i) Promoting prostitution in the second degree when the victim is under eighteen years of age under section 567.060;**
 - (j) Promoting prostitution in the third degree when the victim is under eighteen years of age under section 567.070;**
 - (k) Endangering the welfare of a child in the first degree when there is sexual conduct or sexual contact with a victim fourteen to seventeen years of age under section 568.045;**
 - (l) Endangering the welfare of a child in the second degree when the offense is sexual in nature and the victim is under thirteen years of age under section 568.050;**
 - (m) Abuse of a child when the offense is sexual in nature under section 568.060;**
 - (n) Genital mutilation of a female child under section 568.065;**
 - (o) Child used in sexual performance under section 568.080;**
 - (p) Promoting sexual performance by a child under section 568.090;**
 - (q) Sexual exploitation of a minor under section 573.023;**
 - (r) Promoting child pornography in the first degree under section 573.025;**
 - (s) Promoting child pornography in the second degree under section 573.035; or**
 - (t) Unlawful sex with an animal under section 566.111;**
- (2) Any offender whose classification was changed to a Tier II offender by court order under section 589.408;**
- (3) Any person who is convicted of, found guilty of, or has pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a crime comparable to a Tier I offense listed in this section or failure to register offense under section 589.425 or comparable out-of-state failure to register offense, who is already required to register as a Tier I offender due to having been convicted of, found guilty of, or pleading guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a Tier I offense on a previous occasion; or**

(4) Any person who is or has been convicted of, been found guilty of, or pled guilty to or nolo contendere in any other state, territory, or the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction to committing, attempting to commit, or conspiring to commit an offense of a sexual nature or with a sexual element that is comparable to the Tier II sexual offenses listed in this subsection or, if not comparable to those in this subsection, comparable to those described as Tier II offenses under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 248-109).

7. Tier III sexual offenders, in addition to the requirements of subsections 1 to 4 of this section, shall report semiannually in person in the month of their birth and six months thereafter to the chief law enforcement official to verify the information contained in their statement made under section 589.407. In addition such offenders shall report by mail, on a form to be provided by the Missouri state highway patrol, to update any change in information or to indicate that there has been no change, ninety days after each in-person report. This form shall require the signature of the offender. Except as provided in subsections 8 and 9 of this section, Tier III sexual offenders include:

(1) Any offender registered as a predatory or persistent sexual offender under the definitions found in section 558.018;

(2) Any offender who has been convicted of, found guilty of, or has pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit the crime of:

(a) Kidnapping when a sexual offense was committed during the kidnapping or when the kidnapping was committed for the purpose of committing a sexual offense and when the victim is less than eighteen years of age and excluding kidnapping by parent or guardian under section 565.110;

(b) Child kidnapping when a sexual offense was committed during the kidnapping or when the kidnapping was committed for the purpose of committing a sexual offense under section 565.115;

(c) Forcible rape under section 566.030;

(d) Statutory rape in the first degree under section 566.032;

(e) Sexual assault under section 566.040;

(f) Forcible sodomy under section 566.060;

(g) Statutory sodomy in the first degree under section 566.062;

(h) Child molestation in the first degree when the victim is less than fourteen years of age under section 566.067;

(i) Deviate sexual assault under section 566.070;

(j) Sexual contact with a student while on public school property when the victim is less than fourteen years of age under section 566.086;

(k) Sexual abuse when the victim is less than fourteen years of age under section 566.100;

(l) Sexual trafficking of a child under section 566.212;

(m) Sexual trafficking of a child under the age of twelve, under section 566.213;

(n) Promoting prostitution in the first degree when the victim is less than eighteen years of age under section 567.050;

(o) Incest under section 568.020;

(p) Endangering the welfare of a child in the first degree when there is sexual conduct or sexual contact with a victim less than fourteen years of age under section 568.045;

(q) Endangering the welfare of a child in the first degree when there is sexual intercourse or deviate sexual intercourse with a victim less than eighteen years of age under section 568.045;

(3) Any offender who is convicted of, found guilty of, or has pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a crime comparable to a Tier I or Tier II offense listed in this section or failure to register offense under section 589.425, or other comparable out-of-state failure to register offense, who has been or is already required to register as a Tier II offender because of having been convicted of, found guilty of, or pleading guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a Tier II offense, two Tier I offenses, or a combination of a Tier I offense and failure to register offense, on a previous occasion;

(4) Any offender who is or has been convicted of, been found guilty of, or pled guilty or nolo contendere in any other state, territory, or the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction to committing, attempting to commit, or conspiring to commit an offense of a sexual nature or with a sexual element that is comparable to a Tier III offense listed in this section or a Tier III offense under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 248-109); or

(5) Any offender who is or has been convicted of, been found guilty of, or pled guilty to or nolo contendere to any offense of a sexual nature requiring registration under sections 589.400 to 589.425 that is not classified as a Tier I or Tier II offense in this section.

[5.] 8. In addition to the requirements of subsections 1 [and 2] to 7 of this section, all Missouri registrants who work, **including as a volunteer or unpaid intern**, or attend any school [or training] **whether public or private in nature, including any secondary school, trade school, professional school, or institution of higher education** on a full-time or part-time basis [in any other state] **or has a temporary residence in Missouri** shall be required to report in person to the chief law enforcement officer in the area of the state where they work or attend school or training and register in that state. “Part-time” in this subsection means for more than seven days in any twelve-month period.

[6.] 9. If a person, who is required to register as a sexual offender under sections 589.400 to 589.425, changes or obtains a new online identifier as defined in section 43.651, the person shall report such information in the same manner as a change of residence before using such online identifier.

10. It is not a defense to a prosecution for a violation of any Tier I, Tier II, or Tier III offense listed in this section that the victim was a peace officer masquerading as a minor.

11. Individuals that are not currently registered due to being adjudicated of a sexual offense prior to the initial enactment of state or federal sex offender registry legislation shall only be required to register for their original offense if the person is currently incarcerated or under supervision of the Missouri department of corrections for a sexual offense.

If such person’s original offense is not currently a crime such person shall still be classified as a Tier I, II, or III offender. The classification shall be made by determining which current crime is most comparable to the original offense and then placing such person in the Tier which corresponds to that

current crime.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 237**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 59**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 29**, entitled:

An Act to repeal sections 197.705, 302.291, 324.043, 334.040, 334.070, 334.090, 334.100, 334.102, 334.103, 334.715, 338.010, 338.140, 338.150, 338.210, 338.220, 338.240, 339.190, 536.063, 536.067, 536.070, 621.045, 621.100, and 621.110, RSMo, and to enact in lieu thereof thirty new sections relating to the licensing of certain professions, with penalty provisions.

With House Amendment No. 2, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3, as amended, House Amendment Nos. 4, 5, 6, 7, 8, 9, House Substitute Amendment No. 1 for House Amendment No. 11, House Amendment Nos. 12, 13, 14 and 15.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 29, Page 2, Section 197.705, Line 41, by inserting after all of said section and line the following:

“215.020. 1. There is hereby created and established as a governmental instrumentality of the state of Missouri the “Missouri Housing Development Commission” which shall constitute a body corporate and politic.

2. The commission shall consist of the governor, lieutenant governor, the state treasurer, the state attorney general, and six members to be selected by the governor, with the advice and consent of the senate. The persons to be selected by the governor shall be individuals knowledgeable in the areas of housing, finance or construction. Not more than four of the members appointed by the governor shall be from the same political party. The members of the commission appointed by the governor shall serve the following terms: Two shall serve two years, two shall serve three years, and two shall serve four years, respectively. Thereafter, each appointment shall be for a term of four years. If for any reason a vacancy occurs, the governor, with the advice and consent of the senate, shall appoint a new member to fill the unexpired term. Members are eligible for reappointment.

3. Six members of the commission shall constitute a quorum. No vacancy in the membership of the commission shall impair the right of a quorum to exercise all the rights and perform all the duties of the

commission. No action shall be taken by the commission except upon the affirmative vote of at least six of the members of the commission.

4. Each member of the commission appointed by the governor is entitled to compensation of fifty dollars per diem plus his reasonable and necessary expenses actually incurred in discharging his duties under sections 215.010 to 215.250.

5. The department staff shall report to an executive director who shall be appointed by the governor and such executive director shall implement only those policies which are presented by the executive director and approved by the commission.

6. The employment of the executive director including the executive director serving in such capacity on the effective date of this act shall be subject to the advice and consent of the senate in the same manner as an appointment subject to the provisions of Article IV, Section 51 of the Missouri Constitution; and shall be for a term of 3 years subject to the reappointment for additional terms; each such additional term shall also be subject to the advice and consent of the senate.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 3

Amend House Amendment No. 3 to House Committee Substitute for Senate Committee Substitute for Senate Bill 29, Page 29, Section 334.108, Line 1, by inserting immediately after said line the following:

“(3) Home health services provided by a home health agency as defined in section 197.400;”; and

Further amend said amendment by renumbering said section accordingly; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 29, Pages 5 and 6, Section 324.043, Lines 1 to 37, by deleting all of said lines and inserting in lieu thereof the following:

“324.043. 1. Except as provided in this section, no disciplinary proceeding against any person or entity licensed, registered, or certified to practice a profession within the division of professional registration shall be initiated unless such action is commenced within three years of the date upon which the licensing, registering, or certifying agency received notice of an alleged violation of an applicable statute or regulation.

2. For the purpose of this section, notice shall be limited to:

(1) A written complaint;

(2) Notice of final disposition of a malpractice claim, including exhaustion of all extraordinary remedies and appeals;

(3) Notice of exhaustion of all extraordinary remedies and appeals of a conviction based upon a criminal statute of this state, any other state, or the federal government;

(4) Notice of exhaustion of all extraordinary remedies and appeals in a disciplinary action by a hospital, state licensing, registering or certifying agency, or an agency of the federal government.

3. For the purposes of this section, an action is commenced when a complaint is filed by the agency with

the administrative hearing commission, any other appropriate agency, or in a court; or when a complaint is filed by the agency's legal counsel with the agency in respect to an automatic revocation or a probation violation.

4. Disciplinary proceedings based upon repeated negligence shall be exempt from all limitations set forth in this section.

5. Disciplinary proceedings based upon a complaint involving sexual misconduct shall be exempt from all limitations set forth in this section.

6. Any time limitation provided in this section shall be tolled:

(1) During any time the accused licensee, registrant, or certificant is practicing exclusively outside the state of Missouri or residing outside the state of Missouri and not practicing in Missouri;

(2) As to an individual complainant, during the time when such complainant is less than eighteen years of age;

(3) During any time the accused licensee, registrant, or certificant maintains legal action against the agency; or

(4) When a settlement agreement is offered to the accused licensee, registrant, or certificant, in an attempt to settle such disciplinary matter without formal proceeding pursuant to section 621.045 until the accused licensee, registrant, or certificant rejects or accepts the settlement agreement.

7. The licensing agency may, in its discretion, toll any time limitation when the accused **applicant**, licensee, registrant, or certificant enters into and participates in a treatment program for chemical dependency or mental impairment.”; and

Further amend said bill, Page 6, Section 324.045, Lines 1 to 17, by deleting all of said lines and inserting in lieu thereof the following:

“324.045. 1. Notwithstanding any provision of chapter 536, in any proceeding initiated by the division of professional registration or any board, committee, commission, or office within the division of professional registration to determine the appropriate level of discipline or additional discipline, if any, against a licensee of the board, committee, commission, or office within the division, if the licensee against whom the proceeding has been initiated upon a properly pled writing filed to initiate the contested case and upon proper notice fails to plead or otherwise defend against the proceeding, the board, commission, committee, or office within the division shall enter a default decision against the licensee without further proceedings. The terms of the default decision shall not exceed the terms of discipline authorized by law for the division, board, commission, or committee. The division, office, board, commission, or committee shall provide the licensee notice of the default decision in writing.

2. Upon motion stating facts constituting a meritorious defense and for good cause shown, a default decision may be set aside. The motion shall be made within a reasonable time, not to exceed thirty days after entry of the default decision. “Good cause” includes a mistake or conduct that is not intentionally or recklessly designed to impede the administrative process.”; and

Further amend said bill, Pages 7 and 8, Section 334.001, Lines 1 to 36, by deleting all of said lines and inserting in lieu thereof the following:

“334.001. 1. Notwithstanding any other provision of law to the contrary, the following information

is an open record and shall be released upon request of any person and may be published on the board's website:

- (1) The name of a licensee or applicant;
- (2) The licensee's business address;
- (3) Registration type;
- (4) Currency of the license, certificate, or registration;
- (5) Professional schools attended;
- (6) Degrees and certifications, including certification by the American Board of Medical Specialties, the American Osteopathic Association, or other certifying agency approved by the board by rule;
- (7) To the extent provided to the board after August 28, 2011, discipline by another state or administrative agency;
- (8) Limitations on practice placed by a court of competent jurisdiction;
- (9) Any final discipline by the board, including the content of the settlement agreement or order issued; and
- (10) Whether a discipline case brought by the board is pending in the administrative hearing commission or any court.

2. All other information pertaining to a licensee or applicant not specifically denominated an open record in subsection 1 of this section is a closed record and confidential.

3. The board shall disclose confidential information without charge or fee upon written request of the licensee or applicant if the information is less than five years old. If the information requested is more than five years old, the board may charge a fee equivalent to the fee specified by regulation.

4. At its discretion, the board may disclose confidential information, without the consent of the licensee or applicant, to a licensee or applicant for a license in order to further a board investigation or to facilitate settlement negotiations with the board, in the course of voluntary exchange of information with another state's licensing authority, pursuant to a court order, or to other administrative or law enforcement agencies acting within the scope of their statutory authority.

5. Information obtained from a federal administrative or law enforcement agency shall be disclosed only after the board has obtained written consent to the disclosure from the federal administrative or law enforcement agency.

6. The board is entitled to the attorney/client privilege and work product privilege to the same extent as any other person.”; and

Further amend said bill, Pages 8 and 9, Section 334.040, Lines 1 to 52, by deleting all of said lines and inserting in lieu thereof the following:

“334.040. 1. Except as provided in section 334.260, all persons desiring to practice as physicians and surgeons in this state shall be examined as to their fitness to engage in such practice by the board. All persons applying for examination shall file a completed application with the board [at least eighty days before the date set for examination upon blanks] **upon forms** furnished by the board.

2. The examination shall be sufficient to test the applicant's fitness to practice as a physician and surgeon. The examination shall be conducted in such a manner as to conceal the identity of the applicant until all examinations have been scored. In all such examinations an average score of not less than seventy-five percent is required to pass; provided, however, that the board may require applicants to take the Federation Licensing Examination, also known as FLEX, or the United States Medical Licensing Examination (USMLE). If the FLEX examination is required, a weighted average score of no less than seventy-five [percent] is required to pass. **Scores from one test administration of the FLEX shall not be combined or averaged with scores from other test administrations to achieve a passing score.** The passing score of the United States Medical Licensing Examination shall be determined by the board through rule and regulation. The board shall not issue a permanent license as a physician and surgeon or allow the Missouri state board examination to be administered to any applicant who has failed to achieve a passing score within three attempts on licensing examinations administered in one or more states or territories of the United States, the District of Columbia or Canada. The steps one, two and three of the United States Medical Licensing Examination shall be taken within a seven-year period with no more than three attempts on any step of the examination; however, the board may grant an extension of the seven-year period if the applicant has obtained a MD/PhD degree in a program accredited by the [liaison committee on medical education] **Liaison Committee on Medical Education (LCME)** and a regional university accrediting body **or a DO/PhD degree accredited by the American Osteopathic Association and a regional university accrediting body.** The board may waive the provisions of this section if the applicant is licensed to practice as a physician and surgeon in another state of the United States, the District of Columbia or Canada and the applicant has achieved a passing score on a licensing examination administered in a state or territory of the United States or the District of Columbia and no license issued to the applicant has been disciplined in any state or territory of the United States or the District of Columbia[. Prior to waiving the provisions of this section, the board may require the applicant to achieve a passing score on one of the following:

(1) The American Specialty Board's certifying examination in the physician's field of specialization;

(2) Part II of the FLEX; or

(3) The Federation portion of the State Medical Board's Special Purpose Examination (SPEX)] **and the applicant is certified in the applicant's area of specialty by the American Board of Medical Specialties, the American Osteopathic Association, or other certifying agency approved by the board by rule.**

3. If the board waives the provisions of this section, then the license issued to the applicant may be limited or restricted to the applicant's board specialty. [Scores from one test administration shall not be combined or averaged with scores from other test administrations to achieve a passing score.] The board shall not be permitted to favor any particular school or system of healing.

4. If an applicant has not actively engaged in the practice of clinical medicine or held a teaching or faculty position in a medical or osteopathic school approved by the American Medical Association, the Liaison Committee on Medical Education, or the American Osteopathic Association for any two years in the three year period immediately preceding the filing of his or her application for licensure, the board may require successful completion of another examination, continuing medical education, or further training before issuing a permanent license. The board shall adopt rules to prescribe the form and manner of such reexamination, continuing medical education, and training.”; and

Further amend said bill, Page 10, Section 334.070, Lines 1 to 13, by deleting all of said lines and inserting in lieu thereof the following:

“334.070. 1. Upon due application therefor and upon submission by such person of evidence satisfactory to the board that he **or she** is licensed to practice in this state, and upon the payment of fees required to be paid by this chapter, the board shall issue to [him] **such person** a certificate of registration. The certificate of registration shall contain the name of the person to whom it is issued and his **or her** office address [and residence address], the expiration date, and the date and number of the license to practice.

2. [Every person shall, upon receiving such certificate, cause it to be conspicuously displayed at all times in every office maintained by him in the state. If he maintains more than one office in this state, the board shall without additional fee issue to him duplicate certificates of registration for each office so maintained.] If any registrant shall change the location of his **or her** office during the period for which any certificate of registration has been issued, [he] **the registrant** shall, within fifteen days thereafter, notify the board of such change [and it shall issue to him without additional fee a new registration certificate showing the new location].”; and

Further amend said bill, Page 10, Section 334.090, Lines 1 to 13, by deleting all of said lines and inserting in lieu thereof the following:

“334.090. 1. Each applicant for registration under this chapter shall accompany the application for registration with a registration fee to be paid to the [director of revenue] **board**. If the application is filed and the fee paid after the registration renewal date, a delinquent fee shall be paid; but whenever in the opinion of the board the applicant's failure to register is caused by extenuating circumstances including illness of the applicant, as defined by rule and regulation, the delinquent fee may be waived by the board. Whenever any new license is granted to any person under the provisions of this chapter, the board shall, upon application therefor, issue to such licensee a certificate of registration covering a period from the date of the issuance of the license to the next renewal date without the payment of any registration fee.

2. The board shall set the amount of the fees which this chapter authorizes and requires by rules and regulations promulgated pursuant to section 536.021. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering this chapter.”; and

Further amend said bill, Pages 10 to 12, Section 334.099, Lines 1 to 58, by deleting all of said lines and inserting in lieu thereof the following:

“**334.099. 1. The board may initiate a contested hearing to determine if reasonable cause exists to believe that a licensee or applicant is unable to practice his or her profession with reasonable skill and safety to the public by reason of medical or osteopathic incompetency, mental or physical incapacity, or due to the excessive use or abuse of alcohol or controlled substances:**

(1) The board shall serve notice pursuant to section 536.067 of the contested hearing at least fifteen days prior to the hearing. Such notice shall include a statement of the reasons the board believes there is reasonable cause to believe that a licensee or applicant is unable to practice his or her profession with reasonable skill and safety to the public by reason of medical or osteopathic incompetency, mental, or physical incapacity, or due to the excessive use or abuse of alcohol or controlled substances;

(2) For purposes of this section and prior to any contested hearing, the board may, notwithstanding any other law limiting access to medical or other health data, obtain medical data and health records relating to the licensee or applicant without the licensee's or applicant's consent, upon issuance of a subpoena by the board. These data and records shall be admissible without further

authentication by either board or licensee at any hearing held pursuant to this section;

(3) After a contested hearing before the board, and upon a showing of reasonable cause to believe that a licensee or applicant is unable to practice his or her profession with reasonable skill and safety to the public by reason of medical or osteopathic incompetency, mental, or physical incapacity, or due to the excessive use or abuse of alcohol or controlled substances the board may require a licensee or applicant to submit to an examination. The board shall maintain a list of facilities approved to perform such examinations. The licensee or applicant may propose a facility not previously approved to the board and the board may accept such facility as an approved facility for such licensee or applicant by a majority vote;

(4) For purposes of this subsection, every licensee or applicant is deemed to have consented to an examination upon a showing of reasonable cause. The applicant or licensee shall be deemed to have waived all objections to the admissibility of testimony by the provider of the examination and to the admissibility of examination reports on the grounds that the provider of the examination's testimony or the examination is confidential or privileged;

(5) Written notice of the order for an examination shall be sent to the applicant or licensee by registered mail, addressed to the licensee or applicant at the licensee's or applicant's last known address on file with the board, or shall be personally served on the applicant or licensee. The order shall state the cause for the examination, how to obtain information about approved facilities, and a time limit for obtaining the examination. The licensee or applicant shall cause a report of the examination to be sent to the board;

(6) The licensee or applicant shall sign all necessary releases for the board to obtain and use the examination during a hearing and to disclose the recommendations of the examination as part of a disciplinary order;

(7) After receiving the report of the examination ordered in subdivision (3) of this subsection, the board may hold a contested hearing to determine if by clear and convincing evidence the licensee or applicant is unable to practice with reasonable skill or safety to the public by reasons of medical or osteopathic incompetency, reason of mental or physical incapacity, or due to the excessive use or abuse of alcohol or controlled substances. If the board finds that the licensee or applicant is unable to practice with reasonable skill or safety to the public by reasons of medical or osteopathic incompetency, reason of mental or physical incapacity, or excessive use or abuse of controlled substances, the board shall, after a hearing, enter an order imposing one or more of the disciplinary measures set forth in subsection 4 of section 334.100; and

(8) The provisions of chapter 536 for a contested case, except those provisions or amendments which are in conflict with this section, shall apply to and govern the proceedings contained in this subsection and the rights and duties of the parties involved. The person appealing such an action shall be entitled to present evidence under chapter 536 relevant to the allegations.

2. Failure to submit to the examination when directed shall be cause for the revocation of the license of the licensee or denial of the application. No license may be reinstated or application granted until such time as the examination is completed and delivered to the board or the board withdraws its order.

3. Neither the record of proceedings nor the orders entered by the board shall be used against a

licensee or applicant in any other proceeding, except for a proceeding in which the board or its members are a party or in a proceeding involving any state or federal agency.

4. A licensee or applicant whose right to practice has been affected under this section shall, at reasonable intervals not to exceed twelve months, be afforded an opportunity to demonstrate that he or she can resume the competent practice of his or her profession or should be granted a license. The board may hear such motion more often upon good cause shown.

5. The board shall promulgate rules and regulations to carry out the provisions of this section.

6. For purposes of this section, “examination” means a skills, multidisciplinary, or substance abuse evaluation.”; and

Further amend said bill, Pages 12 to 19, Section 334.100, Lines 1 to 268, by deleting all of said lines and inserting in lieu thereof the following:

“334.100. 1. The board may refuse to issue or renew any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621. As an alternative to a refusal to issue or renew any certificate, registration or authority, the board may, at its discretion, issue a license which is subject to probation, restriction or limitation to an applicant for licensure for any one or any combination of causes stated in subsection 2 of this section. The board's order of probation, limitation or restriction shall contain a statement of the discipline imposed, the basis therefor, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited or restricted license seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered as waived.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated pursuant to this chapter, for any offense [an essential element of which is] **involving** fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

(4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct or unprofessional conduct in the performance of the functions or duties of any profession licensed or regulated by this chapter, including, but not limited to, the following:

(a) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation; willfully and continually overcharging or overtreating patients; or charging for visits to the physician's office which did not occur unless the services were contracted for in advance, or for services which were not rendered or documented in the patient's records;

(b) Attempting, directly or indirectly, by way of intimidation, coercion or deception, to obtain or retain a patient or discourage the use of a second opinion or consultation;

(c) Willfully and continually performing inappropriate or unnecessary treatment, diagnostic tests or medical or surgical services;

(d) Delegating professional responsibilities to a person who is not qualified by training, skill, competency, age, experience or licensure to perform such responsibilities;

(e) Misrepresenting that any disease, ailment or infirmity can be cured by a method, procedure, treatment, medicine or device;

(f) Performing or prescribing medical services which have been declared by board rule to be of no medical or osteopathic value;

(g) Final disciplinary action by any professional medical or osteopathic association or society or licensed hospital or medical staff of such hospital in this or any other state or territory, whether agreed to voluntarily or not, and including, but not limited to, any removal, suspension, limitation, or restriction of the person's license or staff or hospital privileges, failure to renew such privileges or license for cause, or other final disciplinary action, if the action was in any way related to unprofessional conduct, professional incompetence, malpractice or any other violation of any provision of this chapter;

(h) Signing a blank prescription form; or dispensing, prescribing, administering or otherwise distributing any drug, controlled substance or other treatment without sufficient examination **including failing to establish a valid physician-patient relationship pursuant to section 334.108**, or for other than medically accepted therapeutic or experimental or investigative purposes duly authorized by a state or federal agency, or not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease, except as authorized in section 334.104;

(i) Exercising influence within a physician-patient relationship for purposes of engaging a patient in sexual activity;

(j) **Being listed on any state or federal sexual offender registry;**

(k) Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient;

[(k)] (l) Failing to furnish details of a patient's medical records to other treating physicians or hospitals upon proper request; or failing to comply with any other law relating to medical records;

[(l)] (m) Failure of any applicant or licensee[, other than the licensee subject to the investigation,] to cooperate with the board during any investigation;

[(m)] (n) Failure to comply with any subpoena or subpoena duces tecum from the board or an order of

the board;

[(n)] (o) Failure to timely pay license renewal fees specified in this chapter;

[(o)] (p) Violating a probation agreement, **order, or other settlement agreement** with this board or any other licensing agency;

[(p)] (q) Failing to inform the board of the physician's current residence and business address;

[(q)] (r) Advertising by an applicant or licensee which is false or misleading, or which violates any rule of the board, or which claims without substantiation the positive cure of any disease, or professional superiority to or greater skill than that possessed by any other physician. An applicant or licensee shall also be in violation of this provision if the applicant or licensee has a financial interest in any organization, corporation or association which issues or conducts such advertising;

(s) **Any other conduct that is unethical or unprofessional involving a minor;**

(5) Any conduct or practice which is or might be harmful or dangerous to the mental or physical health of a patient or the public; or incompetency, gross negligence or repeated negligence in the performance of the functions or duties of any profession licensed or regulated by this chapter. For the purposes of this subdivision, "repeated negligence" means the failure, on more than one occasion, to use that degree of skill and learning ordinarily used under the same or similar circumstances by the member of the applicant's or licensee's profession;

(6) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of this chapter **or chapter 324**, or of any lawful rule or regulation adopted pursuant to this chapter **or chapter 324**;

(7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from any school;

(8) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation or other final disciplinary action against the holder of or applicant for a license or other right to practice any profession regulated by this chapter by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee or applicant, including, but not limited to, the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or limiting the practice of medicine while subject to an investigation or while actually under investigation by any licensing authority, medical facility, branch of the armed forces of the United States of America, insurance company, court, agency of the state or federal government, or employer;

(9) A person is finally adjudged incapacitated or disabled by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not registered and currently eligible to practice pursuant to this chapter; or knowingly performing any act which in any way aids, assists, procures, advises, or encourages any person to practice medicine who is not registered and currently eligible to practice pursuant to this chapter. A physician who works in accordance with standing orders or protocols or in accordance with the provisions of section 334.104 shall not be in violation of this subdivision;

(11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;

(12) Failure to display a valid certificate or license if so required by this chapter or any rule promulgated pursuant to this chapter;

(13) Violation of the drug laws or rules and regulations of this state, **including but not limited to any provision of chapter 195**, any other state, or the federal government;

(14) Knowingly making, or causing to be made, or aiding, or abetting in the making of, a false statement in any birth, death or other certificate or document executed in connection with the practice of the person's profession;

(15) **Knowingly making a false statement, orally or in writing to the board;**

(16) Soliciting patronage in person or by agents or representatives, or by any other means or manner, under the person's own name or under the name of another person or concern, actual or pretended, in such a manner as to confuse, deceive, or mislead the public as to the need or necessity for or appropriateness of health care services for all patients, or the qualifications of an individual person or persons to diagnose, render, or perform health care services;

[(16)] (17) Using, or permitting the use of, the person's name under the designation of "Doctor", "Dr.", "M.D.", or "D.O.", or any similar designation with reference to the commercial exploitation of any goods, wares or merchandise;

[(17)] (18) Knowingly making or causing to be made a false statement or misrepresentation of a material fact, with intent to defraud, for payment pursuant to the provisions of chapter 208 or chapter 630 or for payment from Title XVIII or Title XIX of the federal Medicare program;

[(18)] (19) Failure or refusal to properly guard against contagious, infectious or communicable diseases or the spread thereof; maintaining an unsanitary office or performing professional services under unsanitary conditions; or failure to report the existence of an unsanitary condition in the office of a physician or in any health care facility to the board, in writing, within thirty days after the discovery thereof;

[(19)] (20) Any candidate for licensure or person licensed to practice as a physical therapist, paying or offering to pay a referral fee or, notwithstanding section 334.010 to the contrary, practicing or offering to practice professional physical therapy independent of the prescription and direction of a person licensed and registered as a physician and surgeon pursuant to this chapter, as a dentist pursuant to chapter 332, as a podiatrist pursuant to chapter 330, as an advanced practice registered nurse under chapter 335, or any licensed and registered physician, dentist, podiatrist, or advanced practice registered nurse practicing in another jurisdiction, whose license is in good standing;

[(20)] (21) Any candidate for licensure or person licensed to practice as a physical therapist, treating or attempting to treat ailments or other health conditions of human beings other than by professional physical therapy and as authorized by sections 334.500 to 334.620;

[(21)] (22) Any person licensed to practice as a physician or surgeon, requiring, as a condition of the physician-patient relationship, that the patient receive prescribed drugs, devices or other professional services directly from facilities of that physician's office or other entities under that physician's ownership or control. A physician shall provide the patient with a prescription which may be taken to the facility selected by the patient and a physician knowingly failing to disclose to a patient on a form approved by the advisory commission for professional physical therapists as established by section 334.625 which is dated and signed by a patient or guardian acknowledging that the patient or guardian has read and understands

that the physician has a pecuniary interest in a physical therapy or rehabilitation service providing prescribed treatment and that the prescribed treatment is available on a competitive basis. This subdivision shall not apply to a referral by one physician to another physician within a group of physicians practicing together;

[(22)] **(23)** A pattern of personal use or consumption of any controlled substance unless it is prescribed, dispensed or administered by another physician who is authorized by law to do so;

[(23)] **(24) Habitual intoxication or dependence on alcohol, evidence of which may include more than one alcohol-related enforcement contact as defined by section 302.525;**

(25) Failure to comply with a treatment program or an aftercare program entered into as part of a board order, settlement agreement or licensee's professional health program;

(26) Revocation, suspension, limitation, **probation**, or restriction of any kind whatsoever of any controlled substance authority, whether agreed to voluntarily or not, **or voluntary termination of a controlled substance authority while under investigation;**

[(24)] **(27)** For a physician to operate, conduct, manage, or establish an abortion facility, or for a physician to perform an abortion in an abortion facility, if such facility comes under the definition of an ambulatory surgical center pursuant to sections 197.200 to 197.240, and such facility has failed to obtain or renew a license as an ambulatory surgical center[;

(25) Being unable to practice as a physician and surgeon or with a specialty with reasonable skill and safety to patients by reasons of medical or osteopathic incompetency, or because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or as a result of any mental or physical condition. The following shall apply to this subdivision:

(a) In enforcing this subdivision the board shall, after a hearing by the board, upon a finding of probable cause, require a physician to submit to a reexamination for the purpose of establishing his or her competency to practice as a physician or surgeon or with a specialty conducted in accordance with rules adopted for this purpose by the board, including rules to allow the examination of the pattern and practice of such physician's or surgeon's professional conduct, or to submit to a mental or physical examination or combination thereof by at least three physicians, one selected by the physician compelled to take the examination, one selected by the board, and one selected by the two physicians so selected who are graduates of a professional school approved and accredited as reputable by the association which has approved and accredited as reputable the professional school from which the licensee graduated. However, if the physician is a graduate of a medical school not accredited by the American Medical Association or American Osteopathic Association, then each party shall choose any physician who is a graduate of a medical school accredited by the American Medical Association or the American Osteopathic Association;

(b) For the purpose of this subdivision, every physician licensed pursuant to this chapter is deemed to have consented to submit to a mental or physical examination when directed in writing by the board and further to have waived all objections to the admissibility of the examining physician's testimony or examination reports on the ground that the examining physician's testimony or examination is privileged;

(c) In addition to ordering a physical or mental examination to determine competency, the board may, notwithstanding any other law limiting access to medical or other health data, obtain medical data and health records relating to a physician or applicant without the physician's or applicant's consent;

(d) Written notice of the reexamination or the physical or mental examination shall be sent to the physician, by registered mail, addressed to the physician at the physician's last known address. Failure of a physician to designate an examining physician to the board or failure to submit to the examination when directed shall constitute an admission of the allegations against the physician, in which case the board may enter a final order without the presentation of evidence, unless the failure was due to circumstances beyond the physician's control. A physician whose right to practice has been affected under this subdivision shall, at reasonable intervals, be afforded an opportunity to demonstrate that the physician can resume the competent practice as a physician and surgeon with reasonable skill and safety to patients;

(e) In any proceeding pursuant to this subdivision neither the record of proceedings nor the orders entered by the board shall be used against a physician in any other proceeding. Proceedings under this subdivision shall be conducted by the board without the filing of a complaint with the administrative hearing commission;

(f) When the board finds any person unqualified because of any of the grounds set forth in this subdivision, it may enter an order imposing one or more of the disciplinary measures set forth in subsection 4 of this section].

3. Collaborative practice arrangements, protocols and standing orders shall be in writing and signed and dated by a physician prior to their implementation.

4. After the filing of such complaint before the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in combination, warn, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years, or may suspend the person's license, certificate or permit for a period not to exceed three years, or restrict or limit the person's license, certificate or permit for an indefinite period of time, or revoke the person's license, certificate, or permit, or administer a public or private reprimand, or deny the person's application for a license, or permanently withhold issuance of a license or require the person to submit to the care, counseling or treatment of physicians designated by the board at the expense of the individual to be examined, or require the person to attend such continuing educational courses and pass such examinations as the board may direct.

5. In any order of revocation, the board may provide that the person may not apply for reinstatement of the person's license for a period of time ranging from two to seven years following the date of the order of revocation. All stay orders shall toll this time period.

6. Before restoring to good standing a license, certificate or permit issued pursuant to this chapter which has been in a revoked, suspended or inactive state for any cause for more than two years, the board may require the applicant to attend such continuing medical education courses and pass such examinations as the board may direct.

7. In any investigation, hearing or other proceeding to determine a licensee's or applicant's fitness to practice, any record relating to any patient of the licensee or applicant shall be discoverable by the board and admissible into evidence, regardless of any statutory or common law privilege which such licensee, applicant, record custodian or patient might otherwise invoke. In addition, no such licensee, applicant, or record custodian may withhold records or testimony bearing upon a licensee's or applicant's fitness to practice on the ground of privilege between such licensee, applicant or record custodian and a patient.”; and

Further amend said bill, Pages 19 to 24, Section 334.102, Lines 1 to 158, by deleting all of said lines and inserting in lieu thereof the following:

“334.102. 1. [Upon receipt of information that the holder of any certificate of registration or authority, permit or license issued pursuant to this chapter may present a clear and present danger to the public health and safety, the executive secretary or director shall direct that the information be brought to the board in the form of sworn testimony or affidavits during a meeting of the board.

2. The board may issue an order suspending and/or restricting the holder of a certificate of registration or authority, permit or license if it believes:

(1) The licensee's acts, conduct or condition may have violated subsection 2 of section 334.100; and

(2) A licensee is practicing, attempting or intending to practice in Missouri; and

(3) Either a licensee is unable by reason of any physical or mental condition to receive and evaluate information or to communicate decisions to the extent that the licensee's condition or actions significantly affect the licensee's ability to practice, or another state, territory, federal agency or country has issued an order suspending or restricting the holder of a license or other right to practice a profession regulated by this chapter, or the licensee has engaged in repeated acts of life-threatening negligence as defined in subsection 2 of section 334.100; and

(4) The acts, conduct or condition of the licensee constitute a clear and present danger to the public health and safety.

3. (1) The order of suspension or restriction:

(a) Shall be based on the sworn testimony or affidavits presented to the board;

(b) May be issued without notice and hearing to the licensee;

(c) Shall include the facts which lead the board to conclude that the acts, conduct or condition of the licensee constitute a clear and present danger to the public health and safety; and

(2) The board or the administrative hearing commission shall serve the licensee, in person or by certified mail, with a copy of the order of suspension or restriction and all sworn testimony or affidavits presented to the board, a copy of the complaint and the request for expedited hearing, and a notice of the place of and the date upon which the preliminary hearing will be held.

(3) The order of restriction shall be effective upon service of the documents required in subdivision (2) of this subsection.

(4) The order of suspension shall become effective upon the entry of the preliminary order of the administrative hearing commission.

(5) The licensee may seek a stay order from the circuit court of Cole County from the preliminary order of suspension, pending the issuance of a final order by the administrative hearing commission.

4. The board shall file a complaint in the administrative hearing commission with a request for expedited preliminary hearing and shall certify the order of suspension or restriction and all sworn testimony or affidavits presented to the board. Immediately upon receipt of a complaint filed pursuant to this section, the administrative hearing commission shall set the place and date of the expedited preliminary hearing which shall be conducted as soon as possible, but not later than five days after the date of service upon the licensee.

The administrative hearing commission shall grant a licensee's request for a continuance of the preliminary hearing; however, the board's order shall remain in full force and effect until the preliminary hearing, which shall be held not later than forty-five days after service of the documents required in subdivision (2) of subsection 3.

5. At the preliminary hearing, the administrative hearing commission shall receive into evidence all information certified by the board and shall only hear evidence on the issue of whether the board's order of suspension or restriction should be terminated or modified. Within one hour after the preliminary hearing, the administrative hearing commission shall issue its oral or written preliminary order, with or without findings of fact and conclusions of law, that either adopts, terminates or modifies the board's order. The administrative hearing commission shall reduce to writing any oral preliminary order within five business days, but the effective date of the order shall be the date orally issued.

6. The preliminary order of the administrative hearing commission shall become a final order and shall remain in effect for three years unless either party files a request for a full hearing on the merits of the complaint filed by the board within thirty days from the date of the issuance of the preliminary order of the administrative hearing commission.

7. Upon receipt of a request for full hearing, the administrative hearing commission shall set a date for hearing and notify the parties in writing of the time and place of the hearing. If a request for full hearing is timely filed, the preliminary order of the administrative hearing commission shall remain in effect until the administrative hearing commission enters an order terminating, modifying, or dismissing its preliminary order or until the board issues an order of discipline following its consideration of the decision of the administrative hearing commission pursuant to section 621.110 and subsection 3 of section 334.100.

8. In cases where the board initiates summary suspension or restriction proceedings against a physician licensed pursuant to this chapter, and said petition is subsequently denied by the administrative hearing commission, in addition to any award made pursuant to sections 536.085 and 536.087, the board, but not individual members of the board, shall pay actual damages incurred during any period of suspension or restriction.

9. Notwithstanding the provisions of this chapter or chapter 610 or chapter 621 to the contrary, the proceedings under this section shall be closed and no order shall be made public until it is final, for purposes of appeal.

10. The burden of proving the elements listed in subsection 2 of this section shall be upon the state board of registration for the healing arts.] **The board may apply to the administrative hearing commission for an emergency suspension or restriction of a licensee for the following causes:**

(1) Engaging in sexual conduct, as defined in section 566.010, with a patient who is not the licensee's spouse, regardless of whether the patient consented;

(2) Engaging in sexual misconduct with a minor or person the licensee believes to be a minor. "Sexual misconduct" means any conduct of a sexual nature which would be illegal under state or federal law;

(3) Possession of a controlled substance in violation of chapter 195 or any state or federal law, rule, or regulation, excluding record keeping violations;

(4) Use of a controlled substance without a valid prescription;

(5) The licensee is adjudicated incapacitated or disabled by a court of competent jurisdiction;

(6) Habitual intoxication or dependence upon alcohol or controlled substances or failure to comply with a treatment or aftercare program entered into pursuant to a board order, settlement agreement, or as part of the licensee's professional health program;

(7) A report from a board approved facility or a professional health program stating the licensee is not fit to practice. For purposes of this section, a licensee is deemed to have waived all objections to the admissibility of testimony from the provider of the examination and admissibility of the examination reports. The licensee shall sign all necessary releases for the board to obtain and use the examination during a hearing; or

(8) Any conduct for which the board may discipline that constitutes a serious danger to the health, safety, or welfare of a patient or the public.

2. The board shall submit existing affidavits and existing certified court records together with a complaint alleging the facts in support of the board's request for an emergency suspension or restriction to the administrative hearing commission and shall supply the administrative hearing commission with the last home or business addresses on file with the board for the licensee. Within one business day of the filing of the complaint, the administrative hearing commission shall return a service packet to the board. The service packet shall include the board's complaint and any affidavits or records the board intends to rely on that have been filed with the administrative hearing commission. The service packet may contain other information in the discretion of the administrative hearing commission. Within twenty-four hours of receiving the packet, the board shall either personally serve the licensee or leave a copy of the service packet at all of the licensee's current addresses on file with the board. Prior to the hearing, the licensee may file affidavits and certified court records for consideration by the administrative hearing commission.

3. Within five days of the board's filing of the complaint, the administrative hearing commission shall review the information submitted by the board and the licensee and shall determine based on that information if probable cause exists pursuant to subsection 1 of this section and shall issue its findings of fact and conclusions of law. If the administrative hearing commission finds that there is probable cause, the administrative hearing commission shall enter the order requested by the board. The order shall be effective upon personal service or by leaving a copy at all of the licensee's current addresses on file with the board.

4. The administrative hearing commission shall hold a hearing within forty-five days of the board's filing of the complaint to determine if cause for discipline exists. The administrative hearing commission may grant a request for a continuance, but shall in any event, hold the hearing within one hundred twenty days of the board's initial filing. The board shall be granted leave to amend its complaint if it is more than thirty days prior to the hearing. If less than thirty days, the board may be granted leave to amend if public safety requires.

(1) If no cause for discipline exists, the administrative hearing commission shall issue findings of fact, conclusions of law, and an order terminating the emergency suspension or restriction.

(2) If cause for discipline exists, the administrative hearing commission shall issue findings of fact and conclusions of law and order the emergency suspension or restriction to remain in full force and effect pending a disciplinary hearing before the board. The board shall hold a hearing following the

certification of the record by the administrative hearing commission and may impose any discipline otherwise authorized by state law.

5. Any action under this section shall be in addition to and not in lieu of any discipline otherwise in the board's power to impose and may be brought concurrently with other actions.

6. If the administrative hearing commission does not find probable cause and does not grant the emergency suspension or restriction, the board shall remove all reference to such emergency suspension or restriction from its public records. Records relating to the suspension or restriction shall be maintained in the board's files. The board or licensee may use such records in the course of any litigation to which they are both parties. Additionally, such records may be released upon a specific, written request of the licensee.

7. (1) The board may initiate a hearing before the board, for discipline of any licensee's license or certificate upon receipt of one of the following:

(a) Certified court records of a finding of guilt or plea of guilty or nolo contendere in a criminal prosecution under the laws of any state or of the United States for any offense involving the qualifications, functions, or duties of any profession licensed or regulated under this chapter, for any offense involving fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(b) Evidence of final disciplinary action against the licensee's license, certification or registration issued by any other state, by any other agency or entity of this state or any other state or the United States or its territories, or any other country;

(c) Evidence of certified court records finding the licensee has been judged incapacitated or disabled under Missouri law or under the laws of any other state or of the United States or its territories.

(2) The board shall provide the licensee not less than ten days notice of any hearing held pursuant to chapter 536.

(3) Upon a finding that cause exists to discipline a licensee's license the board may impose any discipline otherwise available when disciplining licensees of that same profession.

8. A final decision of the administrative hearing commission or the board shall be subject to judicial review pursuant to chapter 536.”; and

Further amend said bill, Page 24, Section 334.103, Lines 1 to 18, by deleting all of said lines and inserting in lieu thereof the following:

“334.103. 1. A license issued under this chapter by the Missouri State Board of Registration for the Healing Arts shall be automatically revoked at such time as the final trial proceedings are concluded whereby a licensee has been adjudicated and found guilty, or has entered a plea of guilty or nolo contendere, in a felony criminal prosecution under the laws of the state of Missouri, the laws of any other state, or the laws of the United States of America for any offense reasonably related to the qualifications, functions or duties of their profession, or for any felony offense[, an essential element of which is] **involving** fraud, dishonesty or an act of violence, or for any felony offense involving moral turpitude, whether or not sentence is imposed, or, upon the final and unconditional revocation of the license to practice their profession in another state or territory upon grounds for which revocation is authorized in this state

following a review of the record of the proceedings and upon a formal motion of the state board of registration for the healing arts. The license of any such licensee shall be automatically reinstated if the conviction or the revocation is ultimately set aside upon final appeal in any court of competent jurisdiction.

2. Anyone who has been denied a license, permit or certificate to practice in another state shall automatically be denied a license to practice in this state. However, the board of healing arts may set up other qualifications by which such person may ultimately be qualified and licensed to practice in Missouri.”; and

Further amend said bill, Pages 24 and 25, Section 334.108, Lines 1 to 22, by deleting all of said lines and inserting in lieu thereof the following:

“334.108. 1. Prior to prescribing any drug, controlled substance, or other treatment through the internet, a physician shall establish a valid physician-patient relationship. This relationship shall include:

(1) Obtaining a reliable medical history and performing a physical examination of the patient, adequate to establish the diagnosis for which the drug is being prescribed and to identify underlying conditions or contraindications to the treatment recommended or provided;

(2) Having sufficient dialogue with the patient regarding treatment options and the risks and benefits of treatment or treatments;

(3) If appropriate, following up with the patient to assess the therapeutic outcome;

(4) Maintaining a contemporaneous medical record that is readily available to the patient and, subject to the patient's consent, to the patient's other health care professionals; and

(5) Including the electronic prescription information as part of the patient's medical record.

2. The requirements of subsection 1 of this section may be satisfied by the prescribing physician's designee when treatment is provided in:

(1) A hospital as defined in section 197.020;

(2) A hospice program as defined in section 197.250;

(3) Accordance with a collaborative practice agreement as defined in section 334.104;

(4) Conjunction with a physician assistant licensed pursuant to section 334.738;

(5) Consultation with another physician who has an ongoing physician-patient relationship with the patient, and who has agreed to supervise the patient's treatment, including use of any prescribed medications; or

(6) On-call or cross-coverage situations.”; and

Further amend said bill, Pages 25 to 27, Section 334.715, Lines 1 to 63, by deleting all of said lines and inserting in lieu thereof the following:

“334.715. 1. The board may refuse to issue or renew any license [any applicant or may suspend, revoke, or refuse to renew the license of any licensee for any one or any combination of the causes provided in section 334.100, or if the applicant or licensee] required under sections 334.700 to 334.725 for one or any combination of causes listed in subsection 2 of this section or any cause listed in section 334.100. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the

applicant of the applicant's right to file a complaint with the administrative hearing commission as provided in chapter 621. As an alternative to a refusal to issue or renew any certificate, registration, or authority, the board may, in its discretion, issue a license which is subject to reprimand, probation, restriction, or limitation to an applicant for licensure for any one or any combination of causes listed in subsection 2 of this section or section 334.100. The board's order of reprimand, probation, limitation, or restriction shall contain a statement of the discipline imposed, the basis therefor, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited, or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited, or restricted license seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered waived.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided in chapter 621 against any holder of a certificate of registration or authority, permit, or license required by sections 334.700 to 334.725 or any person who has failed to renew or has surrendered the person's certification of registration or license for any one or any combination of the following causes:

(1) Violated or conspired to violate any provision of sections 334.700 to 334.725 or any provision of any rule promulgated pursuant to sections 334.700 to 334.725; or

(2) Has been found guilty of unethical conduct as defined in the ethical standards of the National Athletic Trainers Association or the National Athletic Trainers Association Board of Certification, or its successor agency, as adopted and published by the committee and the board and filed with the secretary of state; or

(3) Any cause listed in section 334.100.

[2. Upon receipt of a written application made in the form and manner prescribed by the board, the board may reinstate any license which has expired, been suspended or been revoked or may issue any license which has been denied; provided, that no application for reinstatement or issuance of license or licensure shall be considered until at least six months have elapsed from the date of denial, expiration, suspension, or revocation when the license to be reinstated or issued was denied issuance or renewal or was suspended or revoked for one of the causes listed in subsection 1 of this section.]

3. After the filing of such complaint before the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds provided in subsection 2 of this section for disciplinary action are met, the board may, singly or in combination:

(1) Warn, censure, or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years; or

(2) Suspend the person's license, certificate, or permit for a period not to exceed three years; or

(3) Administer a public or private reprimand; or

(4) Deny the person's application for a license; or

(5) Permanently withhold issuance of a license or require the person to submit to the care, counseling, or treatment of physicians designated by the board at the expense of the individual to be examined; or

(6) Require the person to attend such continuing education courses and pass such examinations as the board may direct.

4. In any order of revocation, the board may provide that the person shall not apply for reinstatement of the person's license for a period of time ranging from two to seven years following the date of the order of revocation. All stay orders shall toll such time period.

5. Before restoring to good standing a license, certificate, or permit issued under this chapter which has been in a revoked, suspended, or inactive state for any cause for more than two years, the board may require the applicant to attend such continuing education courses and pass such examinations as the board may direct.”; and

Further amend said bill, Pages 33 and 34, Section 536.063, Lines 1 to 43, by deleting all of said lines and inserting in lieu thereof the following:

“536.063. In any contested case:

(1) The contested case shall be commenced by the filing of a writing by which the party or agency instituting the proceeding seeks such action as by law can be taken by the agency only after opportunity for hearing, or seeks a hearing for the purpose of obtaining a decision reviewable upon the record of the proceedings and evidence at such hearing, or upon such record and additional evidence, either by a court or by another agency. Answering, intervening and amendatory writings and motions may be filed in any case and shall be filed where required by rule of the agency, except that no answering instrument shall be required unless the notice of institution of the case states such requirement. Entries of appearance shall be permitted[.];

(2) Any writing filed whereby affirmative relief is sought shall state what relief is sought or proposed and the reason for granting it, and shall not consist merely of statements or charges phrased in the language of a statute or rule; provided, however, that this subdivision shall not apply when the writing is a notice of appeal as authorized by law[.];

(3) Reasonable opportunity shall be given for the preparation and presentation of evidence bearing on any issue raised or decided or relief sought or granted. Where issues are tried without objection or by consent, such issues shall be deemed to have been properly before the agency. Any formality of procedure may be waived by mutual consent[.];

(4) Every writing seeking relief or answering any other writing, and any motion shall state the name and address of the attorney, if any, filing it; otherwise the name and address of the party filing it[.];

(5) By rule the agency may require any party filing such a writing to furnish, in addition to the original of such writing, the number of copies required for the agency's own use and the number of copies necessary to enable the agency to comply with the provisions of this subdivision hereinafter set forth. The agency shall, without charge therefor, mail one copy of each such writing, as promptly as possible after it is filed, to every party or his **or her** attorney who has filed a writing or who has entered his **or her** appearance in the case, and who has not theretofore been furnished with a copy of such writing and shall have requested copies of the writings; provided that in any case where the parties are so numerous that the requirements

of this subdivision would be unduly onerous, the agency may in lieu thereof (a) notify all parties of the fact of the filing of such writing, and (b) permit any party to copy such writing[.];

(6) When a holder of a license, registration, permit, or certificate of authority issued by the division of professional registration or a board, commission, or committee of the division of professional registration against whom an affirmative decision is sought has failed to plead or otherwise respond in the contested case and adequate notice has been given under section 536.067 upon a properly pled writing filed to initiate the contested case under this chapter, a default decision shall be entered against the licensee without further proceedings. The default decision shall grant such relief as requested by the division of professional registration, board, committee, commission, or office in the writing initiating the contested case as allowed by law. Upon motion stating facts constituting a meritorious defense and for good cause shown, a default decision may be set aside. The motion shall be made within a reasonable time, not to exceed thirty days after entry of the default decision. “Good cause” includes a mistake or conduct that is not intentionally or recklessly designed to impede the administrative process.”; and

Further amend said bill, Pages 34 and 35, Section 536.067, Lines 1 to 54, by deleting all of said lines and inserting in lieu thereof the following:

“536.067. In any contested case:

(1) The agency shall promptly mail a notice of institution of the case to all necessary parties, if any, and to all persons designated by the moving party and to any other persons to whom the agency may determine that notice should be given. The agency or its clerk or secretary shall keep a permanent record of the persons to whom such notice was sent and of the addresses to which sent and the time when sent. Where a contested case would affect the rights, privileges or duties of a large number of persons whose interests are sufficiently similar that they may be considered as a class, notice may in a proper case be given to a reasonable number thereof as representatives of such class. In any case where the name or address of any proper or designated party or person is not known to the agency, and where notice by publication is permitted by law, then notice by publication may be given in accordance with any rule or regulation of the agency or if there is no such rule or regulation, then, in a proper case, the agency may by a special order fix the time and manner of such publication[.];

(2) The notice of institution of the case to be mailed as provided in this section shall state in substance:

(a) The caption and number of the case;

(b) That a writing seeking relief has been filed in such case, the date it was filed, and the name of the party filing the same;

(c) A brief statement of the matter involved in the case unless a copy of the writing accompanies said notice;

(d) Whether an answer to the writing is required, and if so the date when it must be filed;

(e) That a copy of the writing may be obtained from the agency, giving the address to which application for such a copy may be made. This may be omitted if the notice is accompanied by a copy of such writing;

(f) The location in the Code of State Regulations of any rules of the agency regarding discovery or a statement that the agency shall send a copy of such rules on request;

(3) Unless the notice of hearing hereinafter provided for shall have been included in the notice of

institution of the case, the agency shall, as promptly as possible after the time and place of hearing have been determined, mail a notice of hearing to the moving party and to all persons and parties to whom a notice of institution of the case was required to be or was mailed, and also to any other persons who may thereafter have become or have been made parties to the proceeding. The notice of hearing shall state:

- (a) The caption and number of the case;
- (b) The time and place of hearing;

(4) No hearing in a contested case shall be had, except by consent, until a notice of hearing shall have been given substantially as provided in this section, and such notice shall in every case be given a reasonable time before the hearing. Such reasonable time shall be at least ten days except in cases where the public morals, health, safety or interest may make a shorter time reasonable; provided that when a longer time than ten days is prescribed by statute, no time shorter than that so prescribed shall be deemed reasonable;

(5) When a holder of a license, registration, permit, or certificate of authority issued by the division of professional registration or a board, commission, or committee of the division of professional registration against whom an affirmative decision is sought has failed to plead or otherwise respond in the contested case and adequate notice has been given under this section upon a properly pled writing filed to initiate the contested case under this chapter, a default decision shall be entered against the holder of a license, registration, permit, or certificate of authority without further proceedings. The default decision shall grant such relief as requested by the division of professional registration, board, committee, commission, or office in the writing initiating the contested case as allowed by law. Upon motion stating facts constituting a meritorious defense and for good cause shown, a default decision may be set aside. The motion shall be made within a reasonable time, not to exceed thirty days after entry of the default decision. “Good cause” includes a mistake or conduct that is not intentionally or recklessly designed to impede the administrative process.”; and

Further amend said bill, Pages 35 to 38, Section 536.070, Lines 1 to 93, by deleting all of said lines and inserting in lieu thereof the following:

“536.070. In any contested case:

(1) Oral evidence shall be taken only on oath or affirmation[.];

(2) Each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not the subject of the direct examination, to impeach any witness regardless of which party first called him **or her** to testify, and to rebut the evidence against him[.] **or her**;

(3) A party who does not testify in his **or her** own behalf may be called and examined as if under cross-examination[.];

(4) Each agency shall cause all proceedings in hearings before it to be suitably recorded and preserved. A copy of the transcript of such a proceeding shall be made available to any interested person upon the payment of a fee which shall in no case exceed the reasonable cost of preparation and supply[.];

(5) Records and documents of the agency which are to be considered in the case shall be offered in evidence so as to become a part of the record, the same as any other evidence, but the records and

documents may be considered as a part of the record by reference thereto when so offered[.];

(6) Agencies shall take official notice of all matters of which the courts take judicial notice. They may also take official notice of technical or scientific facts, not judicially cognizable, within their competence, if they notify the parties, either during a hearing or in writing before a hearing, or before findings are made after hearing, of the facts of which they propose to take such notice and give the parties reasonable opportunity to contest such facts or otherwise show that it would not be proper for the agency to take such notice of them[.];

(7) Evidence to which an objection is sustained shall, at the request of the party seeking to introduce the same, or at the instance of the agency, nevertheless be heard and preserved in the record, together with any cross-examination with respect thereto and any rebuttal thereof, unless it is wholly irrelevant, repetitious, privileged, or unduly long[.];

(8) Any evidence received without objection which has probative value shall be considered by the agency along with the other evidence in the case. The rules of privilege shall be effective to the same extent that they are now or may hereafter be in civil actions. Irrelevant and unduly repetitious evidence shall be excluded[.];

(9) Copies of writings, documents and records shall be admissible without proof that the originals thereof cannot be produced, if it shall appear by testimony or otherwise that the copy offered is a true copy of the original, but the agency may, nevertheless, if it believes the interests of justice so require, sustain any objection to such evidence which would be sustained were the proffered evidence offered in a civil action in the circuit court, but if it does sustain such an objection, it shall give the party offering such evidence reasonable opportunity and, if necessary, opportunity at a later date, to establish by evidence the facts sought to be proved by the evidence to which such objection is sustained[.];

(10) Any writing or record, whether in the form of an entry in a book or otherwise, made as a memorandum or record of an act, transaction, occurrence or event, shall be admissible as evidence of the act, transaction, occurrence or event, if it shall appear that it was made in the regular course of any business, and that it was the regular course of such business to make such memorandum or record at the time of such act, transaction, occurrence, or event or within a reasonable time thereafter. All other circumstances of the making of such writing or record, including lack of personal knowledge by the entrant or maker, may be shown to affect the weight of such evidence, but such showing shall not affect its admissibility. The term "business" shall include business, profession, occupation and calling of every kind[.];

(11) The results of statistical examinations or studies, or of audits, compilations of figures, or surveys, involving interviews with many persons, or examination of many records, or of long or complicated accounts, or of a large number of figures, or involving the ascertainment of many related facts, shall be admissible as evidence of such results, if it shall appear that such examination, study, audit, compilation of figures, or survey was made by or under the supervision of a witness, who is present at the hearing, who testifies to the accuracy of such results, and who is subject to cross-examination, and if it shall further appear by evidence adduced that the witness making or under whose supervision such examination, study, audit, compilation of figures, or survey was made was basically qualified to make it. All the circumstances relating to the making of such an examination, study, audit, compilation of figures or survey, including the nature and extent of the qualifications of the maker, may be shown to affect the weight of such evidence but such showing shall not affect its admissibility[.];

(12) Any party or the agency desiring to introduce an affidavit in evidence at a hearing in a contested

case may serve on all other parties (including, in a proper case, the agency) copies of such affidavit in the manner hereinafter provided, at any time before the hearing, or at such later time as may be stipulated. Not later than seven days after such service, or at such later time as may be stipulated, any other party (or, in a proper case, the agency) may serve on the party or the agency who served such affidavit an objection to the use of the affidavit or some designated portion or portions thereof on the ground that it is in the form of an affidavit; provided, however, that if such affidavit shall have been served less than eight days before the hearing such objection may be served at any time before the hearing or may be made orally at the hearing. If such objection is so served, the affidavit or the part thereof to which objection was made, may not be used except in ways that would have been permissible in the absence of this subdivision; provided, however, that such objection may be waived by the party or the agency making the same. Failure to serve an objection as aforesaid, based on the ground aforesaid, shall constitute a waiver of all objections to the introduction of such affidavit, or of the parts thereof with respect to which no such objection was so served, on the ground that it is in the form of an affidavit, or that it constitutes or contains hearsay evidence, or that it is not, or contains matters which are not, the best evidence, but any and all other objections may be made at the hearing. Nothing herein contained shall prevent the cross-examination of the affiant if he **or she** is present in obedience to a subpoena or otherwise and if he **or she** is present, he **or she** may be called for cross-examination during the case of the party who introduced the affidavit in evidence. If the affidavit is admissible in part only it shall be admitted as to such part, without the necessity of preparing a new affidavit. The manner of service of such affidavit and of such objection shall be by delivering or mailing copies thereof to the attorneys of record of the parties being served, if any, otherwise, to such parties, and service shall be deemed complete upon mailing; provided, however, that when the parties are so numerous as to make service of copies of the affidavit on all of them unduly onerous, the agency may make an order specifying on what parties service of copies of such affidavit shall be made, and in that case a copy of such affidavit shall be filed with the agency and kept available for inspection and copying. Nothing in this subdivision shall prevent any use of affidavits that would be proper in the absence of this subdivision.”; and

Further amend said bill, Pages 40 and 41, Section 621.045, Lines 1 to 72, by deleting all of said lines and inserting in lieu thereof the following:

“621.045. 1. The administrative hearing commission shall conduct hearings and make findings of fact and conclusions of law in those cases when, under the law, a license issued by any of the following agencies may be revoked or suspended or when the licensee may be placed on probation or when an agency refuses to permit an applicant to be examined upon his **or her** qualifications or refuses to issue or renew a license of an applicant who has passed an examination for licensure or who possesses the qualifications for licensure without examination:

Missouri State Board of Accountancy

Missouri State Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects

Board of Barber Examiners

Board of Cosmetology

Board of Chiropody and Podiatry

Board of Chiropractic Examiners

Missouri Dental Board

Board of Embalmers and Funeral Directors

Board of Registration for the Healing Arts

Board of Nursing

Board of Optometry

Board of Pharmacy

Missouri Real Estate Commission

Missouri Veterinary Medical Board

Supervisor of Liquor Control

Department of Health and Senior Services

Department of Insurance, Financial Institutions and Professional Registration

Department of Mental Health

Board of Private Investigator Examiners.

2. If in the future there are created by law any new or additional administrative agencies which have the power to issue, revoke, suspend, or place on probation any license, then those agencies are under the provisions of this law.

3. The administrative hearing commission is authorized to conduct hearings and make findings of fact and conclusions of law in those cases brought by the Missouri state board for architects, professional engineers, professional land surveyors and landscape architects against unlicensed persons under section 327.076.

4. Notwithstanding any other provision of this section to the contrary, after August 28, 1995, in order to encourage settlement of disputes between any agency described in subsection 1 or 2 of this section and its licensees, any such agency shall:

(1) Provide the licensee with a written description of the specific conduct for which discipline is sought and a citation to the law and rules allegedly violated, together with copies of any documents which are the basis thereof and the agency's initial settlement offer, or file a contested case against the licensee;

(2) If no contested case has been filed against the licensee, allow the licensee at least sixty days, from the date of mailing, to consider the agency's initial settlement offer and to contact the agency to discuss the terms of such settlement offer;

(3) If no contested case has been filed against the licensee, advise the licensee that the licensee may, either at the time the settlement agreement is signed by all parties, or within fifteen days thereafter, submit the agreement to the administrative hearing commission for determination that the facts agreed to by the parties to the settlement constitute grounds for denying or disciplining the license of the licensee; and

(4) In any contact under this subsection by the agency or its counsel with a licensee who is not represented by counsel, advise the licensee that the licensee has the right to consult an attorney at the licensee's own expense.

5. If the licensee desires review by the administrative hearing commission under subdivision (3) of subsection 4 of this section at any time prior to the settlement becoming final, the licensee may rescind and

withdraw from the settlement and any admissions of fact or law in the agreement shall be deemed withdrawn and not admissible for any purposes under the law against the licensee. Any settlement submitted to the administrative hearing commission shall not be effective and final unless and until findings of fact and conclusions of law are entered by the administrative hearing commission that the facts agreed to by the parties to the settlement constitute grounds for denying or disciplining the license of the licensee.

6. When a holder of a license, registration, permit, or certificate of authority issued by the division of professional registration or a board, commission, or committee of the division of professional registration against whom an affirmative decision is sought has failed to plead or otherwise respond in the contested case and adequate notice has been given under sections 536.067 and 621.100 upon a properly pled writing filed to initiate the contested case under this chapter or chapter 536, a default decision shall be entered against the licensee without further proceedings. The default decision shall grant such relief as requested by the division of professional registration, board, committee, commission, or office in the writing initiating the contested case as allowed by law. Upon motion stating facts constituting a meritorious defense and for good cause shown, a default decision may be set aside. The motion shall be made within a reasonable time, not to exceed thirty days after entry of the default decision. “Good cause” includes a mistake or conduct that is not intentionally or recklessly designed to impede the administrative process.”; and

Further amend said bill, Pages 42 and 43, Section 621.100, Lines 1 to 42, by deleting all of said lines and inserting in lieu thereof the following:

“621.100. 1. Upon receipt of a written complaint from an agency named in section 621.045 in a case relating to a holder of a license granted by such agency, or upon receipt of such complaint from the attorney general, the administrative hearing commission shall cause a copy of said complaint to be served upon such licensee in person, **or by leaving a copy of the complaint at the licensee's dwelling house or usual place of abode or last address given to the agency by the licensee with some person residing or present therein over the age of fifteen,** or by certified mail, together with a notice of the place of and the date upon which the hearing on said complaint will be held. If service cannot be accomplished [in person or by certified mail] **as described in this section,** notice by publication as described in subsection 3 of section 506.160 shall be allowed; any commissioner is authorized to act as a court or judge would in that section, and any employee of the commission is authorized to act as a clerk would in that section. In any case initiated upon complaint of the attorney general, the agency which issued the license shall be given notice of such complaint and the date upon which the hearing will be held by delivery of a copy of such complaint and notice to the office of such agency or by certified mail. Such agency may intervene and may retain the services of legal counsel to represent it in such case.

2. When a holder of a license, registration, permit, or certificate of authority issued by the division of professional registration or a board, commission, or committee of the division of professional registration against whom an affirmative decision is sought has failed to plead or otherwise respond in the contested case and adequate notice has been given under this section and section 536.067 upon a properly pled writing filed to initiate the contested case under this chapter or chapter 536, a default decision shall be entered against the licensee without further proceedings. The default decision shall grant such relief as requested by the division of professional registration, board, committee, commission, or office in the writing initiating the contested case as allowed by law. Upon motion stating facts constituting a meritorious defense and for good cause shown, a default decision may be set aside. The motion shall be made within a reasonable time, not to exceed thirty days after entry of

the default decision. “Good cause” includes a mistake or conduct that is not intentionally or recklessly designed to impede the administrative process.

3. In any case initiated under this section, the custodian of the records of an agency may prepare a sworn affidavit stating truthfully pertinent information regarding the license status of the licensee charged in the complaint, including only: the name of the licensee; his **or her** license number; its designated date of expiration; the date of his **or her** original Missouri licensure; the particular profession, practice or privilege licensed; and the status of his **or her** license as current and active or otherwise. This affidavit shall be received as substantial and competent evidence of the facts stated therein notwithstanding any objection as to the form, manner of presentment or admissibility of this evidence, and shall create a rebuttable presumption of the veracity of the statements therein; provided, however, that the procedures specified in section 536.070 shall apply to the introduction of this affidavit in any case where the status of this license constitutes a material issue of fact in the proof of the cause charged in the complaint.”; and

Further amend said bill, Page 43, Section 621.110, Lines 1 to 22, by deleting all of said lines and inserting in lieu thereof the following:

“621.110. Upon a finding in any cause charged by the complaint for which the license may be suspended or revoked as provided in the statutes and regulations relating to the profession or vocation of the licensee **and within one hundred twenty days of the date the case became ready for decision**, the commission shall deliver or transmit by mail to the agency which issued the license the record and a transcript of the proceedings before the commission together with the commission's findings of fact and conclusions of law. The commission may make recommendations as to appropriate disciplinary action but any such recommendations shall not be binding upon the agency. A copy of the findings of fact, conclusions of law and the commission's recommendations, if any, shall be delivered or transmitted by mail to the licensee if the licensee's whereabouts are known, and to any attorney who represented the licensee. Within thirty days after receipt of the record of the proceedings before the commission and the findings of fact, conclusions of law, and recommendations, if any, of the commission, the agency shall set the matter for hearing upon the issue of appropriate disciplinary action and shall notify the licensee of the time and place of the hearing, provided that such hearing may be waived by consent of the agency and licensee where the commission has made recommendations as to appropriate disciplinary action. In case of such waiver by the agency and licensee, the recommendations of the commission shall become the order of the agency. The licensee may appear at said hearing and be represented by counsel. The agency may receive evidence relevant to said issue from the licensee or any other source. After such hearing the agency may order any disciplinary measure it deems appropriate and which is authorized by law. In any case where the commission fails to find any cause charged by the complaint for which the license may be suspended or revoked, the commission shall dismiss the complaint, and so notify all parties.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 29, Page 1, Section A, Line 7, by inserting after all of said section and line the following:

“167.194. 1. Beginning July 1, 2008, every child enrolling in kindergarten or first grade in a public elementary school in this state shall receive one comprehensive vision examination performed by a state licensed optometrist or physician. Evidence of the examination shall be submitted to the school no later than January first of the first year in which the student is enrolled at the school, provided that the evidence

submitted in no way violates any provisions of Public Law 104-191, 42 U.S.C. 201, et seq, Health Insurance Portability and Accountability Act of 1996.

2. The state board of education, in conjunction with the department of health and senior services, shall promulgate rules establishing the criteria for meeting the requirements of subsection 1 of this section, which may include, but are not limited to, forms or other proof of such examination, or other rules as are necessary for the enforcement of this section. The form or other proof of such examination shall include but not be limited to identifying the result of the examinations performed under subsection 4 of this section, the cost for the examination, the examiner's qualifications, and method of payment through either:

- (1) Insurance;
- (2) The state Medicaid program;
- (3) Complimentary; or
- (4) Other form of payment.

3. The department of elementary and secondary education, in conjunction with the department of health and senior services, shall compile and maintain a list of sources to which children who may need vision examinations or children who have been found to need further examination or vision correction may be referred for treatment on a free or reduced-cost basis. The sources may include individuals, and federal, state, local government, and private programs. The department of elementary and secondary education shall ensure that the superintendent of schools, the principal of each elementary school, the school nurse or other person responsible for school health services, and the parent organization for each district elementary school receives an updated copy of the list each year prior to school opening. Professional and service organizations concerned with vision health may assist in gathering and disseminating the information, at the direction of the department of elementary and secondary education.

4. For purposes of this section, the following comprehensive vision examinations shall include but not be limited to:

- (1) Complete case history;
- (2) Visual acuity at distance (aided and unaided);
- (3) External examination and internal examination (ophthalmoscopic examination);
- (4) Subjective refraction to best visual acuity.

5. Findings from the evidence of examination shall be provided to the department of health and senior services and kept by the optometrist or physician for a period of seven years.

6. In the event that a parent or legal guardian of a child subject to this section shall submit to the appropriate school administrator a written request that the child be excused from taking a vision examination as provided in this section, that child shall be so excused.

[7. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset on June 30, 2012, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset eight years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.]]"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 29, Page 27, Section 334.715, Line 63, by inserting after all of said line the following:

“335.036. 1. The board shall:

(1) Elect for a one-year term a president and a secretary, who shall also be treasurer, and the board may appoint, employ and fix the compensation of a legal counsel and such board personnel as defined in subdivision (4) of subsection 10 of section 324.001 as are necessary to administer the provisions of sections 335.011 to 335.096;

(2) Adopt and revise such rules and regulations as may be necessary to enable it to carry into effect the provisions of sections 335.011 to 335.096;

(3) Prescribe minimum standards for educational programs preparing persons for licensure pursuant to the provisions of sections 335.011 to 335.096;

(4) Provide for surveys of such programs every five years and in addition at such times as it may deem necessary;

(5) Designate as “approved” such programs as meet the requirements of sections 335.011 to 335.096 and the rules and regulations enacted pursuant to such sections; and the board shall annually publish a list of such programs;

(6) Deny or withdraw approval from educational programs for failure to meet prescribed minimum standards;

(7) Examine, license, and cause to be renewed the licenses of duly qualified applicants;

(8) Cause the prosecution of all persons violating provisions of sections 335.011 to 335.096, and may incur such necessary expenses therefor;

(9) Keep a record of all the proceedings; and make an annual report to the governor and to the director of the department of insurance, financial institutions and professional registration;

(10) Establish an impaired nurse program.

2. The board shall set the amount of the fees which this chapter authorizes and requires by rules and regulations. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering this chapter.

3. All fees received by the board pursuant to the provisions of sections 335.011 to 335.096 shall be deposited in the state treasury and be placed to the credit of the state board of nursing fund. All administrative costs and expenses of the board shall be paid from appropriations made for those purposes. **The board is authorized to provide funding for the nursing education incentive program established in sections 335.200 to 335.203.**

4. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be

transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriation from the board's funds for the preceding fiscal year or, if the board requires by rule, permit renewal less frequently than yearly, then three times the appropriation from the board's funds for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the board's funds for the preceding fiscal year.

5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this chapter shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

335.200. As used in sections 335.200 to [335.209] **335.203**, the following terms mean:

(1) "Board", the [Missouri coordinating board for higher education] **state board of nursing**;

(2) "**Department**", the **Missouri department of higher education**;

(3) "Eligible [nursing program] **institution of higher education**", a **Missouri institution of higher education accredited by the higher learning commission of the north central association which offers a nursing education program [accredited under this chapter]**;

[(3) "Fund", the nurse training incentive fund, established in section 335.203;]

(4) "[Incentive] Grant", a grant awarded to [a nurse education program] **an eligible institution of higher education** under the guidelines set forth in sections **335.200 to 335.203** [to 335.209];

(5) "Nontraditional student", a person admitted to an eligible nursing program that is older than twenty-two years of age at the time he is admitted to the nursing program;

(6) "Nurse", a person holding a license as a registered nurse, pursuant to this chapter; and

(7) "Professional nursing education program", a program of education accredited by the state board of nursing, pursuant to this chapter, designed to prepare persons for licensure as registered professional nurses with an enrollment of no less than sixty-five percent of the enrollment approved by the state board of nursing].

335.203. [The "Nurse Training Incentive Fund" is hereby established in the state treasury. The fund shall be administered by the coordinating board for higher education. The board shall base its appropriation request on enrollment, graduation and licensure figures for the previous year. The board may accept funds from private, federal and other sources for the purposes of sections 335.200 to 335.209. All appropriations, private donations, and other funds provided to the board for the implementation of sections 335.200 to 335.209 shall be placed in the nurse training incentive fund. Notwithstanding the provisions of section 33.080 to the contrary, funds in the nurse training incentive fund shall not revert to the general revenue fund. Interest accruing to the fund shall be part of the fund. Grants provided pursuant to section 335.206 shall be made within the amounts appropriated therefor.] **1. There is hereby established the "Nursing Education**

Incentive Program” within the department of higher education.

2. Subject to appropriation, grants shall be awarded through the nursing education incentive program to eligible institutions of higher education based on criteria jointly determined by the board and the department. Grant award amounts shall not exceed one hundred fifty thousand dollars. No campus shall receive more than one grant per year.

3. To be considered for a grant, an eligible institution of higher education shall offer a program of nursing that meets the predetermined category and area of need as established by the board and the department under subsection 4 of this section.

4. The board and the department shall determine categories and areas of need for designating grants to eligible institutions of higher education. In establishing categories and areas of need, the board and department may consider criteria including, but not limited to:

(1) Data generated from licensure renewal data and the department of health and senior services; and

(2) National nursing statistical data and trends that have identified nursing shortages.

5. The department shall be the administrative agency responsible for implementation of the program established under sections 335.200 to 335.203, and shall promulgate reasonable rules for the exercise of its functions and the effectuation of the purposes of sections 335.200 to 335.203. The department shall, by rule, prescribe the form, time, and method of filing applications and shall supervise the processing of such applications.

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.”; and

Further amend said bill, Page 43, Section 621.110, Line 22, by inserting after all of said line the following:

“[335.206. 1. The nurse training incentive fund shall, upon appropriation, be used to provide incentive grants to eligible nursing programs which increase enrollment. Grants shall not be awarded to classes begun on or after July 1, 1996.

2. Grants shall be awarded to eligible nursing programs which increase enrollment pursuant to subsection 3 of this section. Eligible programs receiving grants provided under sections 335.200 to 335.209 shall monitor the enrollment of nontraditional students in their program and shall annually report to the board the number of nontraditional students enrolled therein. It shall be the intent of sections 335.200 to 335.209 to encourage the enrollment and graduation of nontraditional students in nursing education programs.

3. Incentive grants shall be awarded to professional nurse education programs, as follows:

(1) A grant of eight thousand dollars for each entering class of ten students by which the program

increases its enrollment over the number of entering students admitted in the fall of 1989; and

(2) A grant of four hundred dollars for each student from each entering class cited in subdivision (1) of this section by which the program increases its number of graduates over the number of students graduated in the preceding year; or

(3) Beginning with the first graduating class of the classes which enter and are enrolled after August 28, 1990, a grant of four hundred dollars for each student by which the program increases its number of graduates over the number of graduates of the preceding year, if the program is not otherwise qualified to receive the grant provided pursuant to subdivision (1) of this section.]

[335.209. No rule or portion of a rule promulgated under the authority of sections 335.200 to 335.209 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.]; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill 29, Page 7, Section 332.425, Line 7, Lines 24 & 25, by striking all of said lines and inserting in lieu thereof the following:

“(7) Submit to the board evidence of successful passage of an examination approved by the board of spoken and written proficiency in the English language.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 29, Page 2, Section 197.705, Line 9, by deleting the words, **“in a single line”**; and

Further amend said section and page, Line 10, by deleting the words, **“one-half inch”**; and

Further amend said section page and line, by inserting before the word, **“bottom”** the words, **“top or”**; and

Further amend said section and page, Line 14, by deleting all of said line and inserting correct punctuation, **“:”** after the word, **“Physician”** on line 13; and

Further amend said section and page, Line 41, by deleting the word, **“five”** and inserting in lieu thereof the word, **“ten”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 29, Page 1, Section A, Line 7, by inserting after all of said section and line the following:

“197.071. Any person aggrieved by an official action of the department of health and senior services affecting the licensed status of a person under the provisions of sections 197.010 to [197.120] 197.162, including the refusal to grant, the grant, the revocation, the suspension, or the failure to renew a license, may seek a determination thereon by the administrative hearing commission pursuant to the provisions of section 621.045, and it shall not be a condition to such determination that the person aggrieved seek a

reconsideration, a rehearing, or exhaust any other procedure within the department of health and senior services.

2. The department shall review and revise its regulations governing hospital licensure and enforcement as to promote hospital and regulatory efficiencies and eliminate duplicative regulation and inspections by or on behalf of state and federal agencies. The hospital licensure regulations adopted under this section shall incorporate standards which shall include, but not be limited to, the following:

(1) Each citation or finding of a regulatory deficiency shall refer to the specific written and publicly available standard and associated written interpretative guidance that are the basis of the citation or finding;

(2) Subject to appropriations, the department shall ensure that its hospital licensure regulatory standards are consistent with and do not contradict the federal Centers for Medicare and Medicaid Services' Conditions of Participation for hospitals and associated interpretive guidance;

(3) The department shall establish and publish a process and standards for complaint investigation, including but not limited to:

(a) A process and standards for determining which complaints warrant an onsite investigation based on a preliminary review of available information from the complainant and the hospital. The process and standards shall, at a minimum, provide for a departmental determination independent of any recommendation for investigation by or in consultation with the federal Centers for Medicare and Medicaid Services (CMS). For purposes of evaluating such process and standards, the number and nature of complaints filed and the recommended actions by the department and, as appropriate, CMS shall be disclosed upon request to hospitals, so long as the otherwise confidential identity of the complainant or the patient for whom the complaint was filed is not disclosed;

(b) The scope of a departmental investigation of a complaint shall be limited to the specific regulatory standard or standards raised by the complaint, unless a threat of immediate jeopardy of safety is observed or identified during such investigation;

(c) A hospital shall be provided with a report of all complaints made against the hospital. Such report shall include the nature of the complaint, the date of the complaint, the department conclusions regarding the complaint, the number of investigators and days of investigation resulting from each complaint;

(4) Subject to appropriations, the department shall designate adequate and sufficient resources to the annual inspection of hospitals necessary for licensure, including but not limited to resources for consultation services and collaboration with hospital personnel to facilitate improvements;

(5) Hospitals and hospital personnel shall have the opportunity to participate in:

(a) Training sessions provided to state licensure surveyors, which shall be provided at least annually subject to appropriations. Hospitals and hospital personnel shall assume all costs associated with their participation in training sessions and use of curriculum materials; and

(b) Training of surveyors assigned to inspection of hospitals to the fullest extent possible, including the training of surveyors previously designated as a surveyor specific, which resulted in the exclusion of all hospital personnel from such training sessions;

(6) The regulations shall establish specific time lines for state hospital officials to provide responses to hospitals regarding the status and outcome of pending investigations and regulatory actions and questions about interpretations of regulations. Such time lines shall be identical to, to the extent practicable, to the time lines established for the federal hospital certification and enforcement system in CMS's State Operations Manual, as amended.

3. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.

197.080. The department of health and senior services, with the advice of the state advisory council and pursuant to the provisions of this section and chapter 536, shall adopt, amend, promulgate and enforce such rules, regulations and standards with respect to all hospitals or different types of hospitals to be licensed hereunder as may be designed to further the accomplishment of the purposes of this law in promoting safe and adequate treatment of individuals in hospitals in the interest of public health, safety and welfare. No rule or portion of a rule promulgated under the authority of sections 197.010 to 197.280 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

197.100. 1. Any provision of chapter 198 and chapter 338 to the contrary notwithstanding, the department of health and senior services shall have sole authority, and responsibility for inspection and licensure of hospitals in this state including, but not limited to all parts, services, functions, support functions and activities which contribute directly or indirectly to patient care of any kind whatsoever. The department of health and senior services shall annually inspect each licensed hospital [and] **but shall accept in lieu of an annual inspection reports of hospital inspections from other governmental and recognized accrediting organizations as authorized by this section. Recognizing accrediting organizations shall be those that have deemed status conferred by the Centers for Medicare and Medicaid Services (CMS) to take the place of direct CMS oversight and enforcement. The department shall make any other inspections and investigations as it deems necessary for good cause shown; provided that, the scope of a departmental investigation of a complaint shall be limited to the specific regulatory standard or standards raised by the complaint, unless a documented threat of immediate jeopardy of safety is observed or identified during the investigation.** The department of health and senior services shall accept reports of hospital inspections from governmental agencies and recognized accrediting organizations [in whole or in part] for licensure purposes if[:

(1) The inspection is comparable to an inspection performed by the department of health and senior services;

(2) The hospital meets minimum licensure standards; and

(3)] **The accreditation inspection was conducted within [one year of the date of license renewal] the term of accreditation authorized by the Centers for Medicare and Medicaid Services in granting deemed status to the recognized accrediting organization.** The department of health and senior services shall attempt to schedule inspections and evaluations required by this section so as not to cause a hospital to be subject to more than one inspection in any twelve-month period from the department of health and

senior services or any agency or accreditation organization the reports of which are accepted for licensure purposes pursuant to this section, except for good cause shown.

2. Other provisions of law to the contrary notwithstanding, the department of health and senior services shall be the only state agency to determine life safety and building codes for hospitals defined or licensed pursuant to the provisions of this chapter, including but not limited to sprinkler systems, smoke detection devices and other fire safety related matters so long as any new standards shall apply only to new construction.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 29, Page 1, In the Title, Lines 2 to 6, by deleting all of said lines and inserting in lieu thereof the following:

“To repeal sections 197.705, 302.291, 324.043, 333.041, 333.042, 333.051, 333.061, 333.091, 333.151, 333.171, 334.040, 334.070, 334.090, 334.100, 334.102, 334.103, 334.715, 338.010, 338.140, 338.150, 338.210, 338.220, 338.240, 339.190, 436.405, 436.412, 436.445, 436.450, 436.455, 436.456, 536.063, 536.067, 536.070, 621.045, 621.100, and 621.110, RSMo, and to enact in lieu thereof forty-three new sections relating to the licensing of certain professions, with penalty provisions.”; and

Further amend said bill, Page 1, Section A, Lines 1 to 7, by deleting all of said lines and inserting in lieu thereof the following:

“Section A. Sections 197.705, 302.291, 324.043, 333.041, 333.042, 333.051, 333.061, 333.091, 333.151, 333.171, 334.040, 334.070, 334.090, 334.100, 334.102, 334.103, 334.715, 338.010, 338.140, 338.150, 338.210, 338.220, 338.240, 339.190, 436.405, 436.412, 436.445, 436.450, 436.455, 436.456, 536.063, 536.067, 536.070, 621.045, 621.100, and 621.110, RSMo, are repealed and forty-three new sections enacted in lieu thereof, to be known as sections 197.705, 302.291, 324.013, 324.043, 324.045, 332.425, 333.041, 333.042, 333.051, 333.061, 333.091, 333.151, 333.171, 334.001, 334.040, 334.070, 334.090, 334.099, 334.100, 334.102, 334.103, 334.108, 334.715, 338.010, 338.140, 338.150, 338.210, 338.220, 338.240, 339.190, 436.405, 436.412, 436.445, 436.450, 436.455, 436.456, 536.063, 536.067, 536.070, 537.033, 621.045, 621.100, and 621.110, to read as follows:”; and

Further amend said bill, Page 7, Section 332.425, Line 25, by inserting after all of said line the following:

“333.041. 1. Each applicant for a license to practice funeral directing shall furnish evidence to establish to the satisfaction of the board that he or she is:

(1) At least eighteen years of age, and possesses a high school diploma, **a general equivalency diploma**, or equivalent thereof, **as determined, at its discretion, by the board; and**

(2) [Either a citizen or a bona fide resident of the state of Missouri or entitled to a license pursuant to section 333.051, or a resident in a county contiguous and adjacent to the state of Missouri who is employed by a funeral establishment located within the state of Missouri, to practice funeral directing upon the grant of a license to do so; and

(3)] A person of good moral character.

2. Every person desiring to enter the profession of embalming dead human bodies within the state of

Missouri and who is enrolled in [an] **a program** accredited [institution of mortuary science education] **by the American Board of Funeral Service Education, any successor organization, or other accrediting entity as approved by the board**, shall register with the board as a practicum student upon the form provided by the board. After such registration, a student may assist, under the direct supervision of Missouri licensed embalmers and funeral directors, in Missouri licensed funeral establishments, while serving his or her practicum [for the accredited institution of mortuary science education]. The form for registration as a practicum student shall be accompanied by a fee in an amount established by the board.

3. Each applicant for a license to practice embalming shall furnish evidence to establish to the satisfaction of the board that he or she:

(1) Is at least eighteen years of age, and possesses a high school diploma, **a general equivalency diploma**, or equivalent thereof, **as determined, at its discretion, by the board**;

(2) [Is either a citizen or bona fide resident of the state of Missouri or entitled to a license pursuant to section 333.051, or a resident in a county contiguous and adjacent to the state of Missouri who is employed by a funeral establishment located within the state of Missouri, to practice embalming upon the grant of a license to do so;

(3)] Is a person of good moral character;

[(4)] **(3)** Has [graduated from an institute of mortuary science education] **completed a funeral service education program** accredited by the American Board of Funeral Service Education, [or] any successor organization [recognized by the United States Department of Education, for funeral service education], **or other accrediting entity as approved by the board**. If an applicant does not [appear for the final examination before the board] **complete all requirements for licensure** within five years from the date of his or her [graduation from] **completion of** an accredited [institution of mortuary science education] **program**, his or her registration as [a student] **an apprentice** embalmer shall be automatically canceled. **The applicant shall be required to file a new application and pay applicable fees. No previous apprenticeship shall be considered for the new application**;

[(5)] **(4)** Upon due examination administered by the board, is possessed of a knowledge of the subjects of embalming, anatomy, pathology, bacteriology, mortuary administration, chemistry, restorative art, together with statutes, rules and regulations governing the care, custody, shelter and disposition of dead human bodies and the transportation thereof or has passed the national board examination of the Conference of Funeral Service Examining Boards. If any applicant fails to pass the state examination, he or she may retake the examination at the next regular examination meeting. The applicant shall notify the board office of his or her desire to retake the examination at least thirty days prior to the date of the examination. Each time the examination is retaken, the applicant shall pay a new examination fee in an amount established by the board;

[(6)] **(5)** Has been employed full time in funeral service in a licensed funeral establishment and has personally embalmed at least twenty-five dead human bodies under the personal supervision of an embalmer who holds a current and valid Missouri embalmer's license or an embalmer who holds a current and valid embalmer's license in a state with which the Missouri board has entered into a reciprocity agreement during an apprenticeship of not less than twelve consecutive months. "Personal supervision" means that the licensed embalmer shall be physically present during the entire embalming process in the first six months of the apprenticeship period and physically present at the beginning of the embalming process and available for consultation and personal inspection within a period of not more than one hour in the remaining six

months of the apprenticeship period. All transcripts and other records filed with the board shall become a part of the board files.

4. If the applicant does not [appear for oral examination] **complete the application process** within the five years after his or her [graduation from an accredited institution of mortuary science education] **completion of an approved program**, then he or she must file a new application and no fees paid previously shall apply toward the license fee.

5. Examinations required by this section and section 333.042 shall be held at least twice a year at times and places fixed by the board. The board shall by rule and regulation prescribe the standard for successful completion of the examinations.

6. Upon establishment of his or her qualifications as specified by this section or section 333.042, the board shall issue to the applicant a license to practice funeral directing or embalming, as the case may require, and shall register the applicant as a duly licensed funeral director or a duly licensed embalmer. Any person having the qualifications required by this section and section 333.042 may be granted both a license to practice funeral directing and to practice embalming.

7. The board shall, upon request, waive any requirement of this chapter and issue a temporary funeral director's license, valid for six months, to the surviving spouse or next of kin or the personal representative of a licensed funeral director, or to the spouse, next of kin, employee or conservator of a licensed funeral director disabled because of sickness, mental incapacity or injury.

333.042. 1. Every person desiring to enter the profession of funeral directing in this state shall make application with the state board of embalmers and funeral directors and pay the current application and examination fees. **Except as otherwise provided in section 41.950**, applicants not entitled to a license pursuant to section 333.051 shall serve an apprenticeship for at least twelve **consecutive** months in a funeral establishment licensed for the care and preparation for burial and transportation of the human dead in this state or in another state which has established standards for admission to practice funeral directing equal to, or more stringent than, the requirements for admission to practice funeral directing in this state. The applicant shall devote at least fifteen hours per week to his or her duties as an apprentice under the supervision of a Missouri licensed funeral director. Such applicant shall submit proof to the board, on forms provided by the board, that the applicant has arranged and conducted ten funeral services during the applicant's apprenticeship under the supervision of a Missouri licensed funeral director. Upon completion of the apprenticeship, the applicant shall appear before the board to be tested on the applicant's legal and practical knowledge of funeral directing, funeral home licensing, preneed funeral contracts and the care, custody, shelter, disposition and transportation of dead human bodies. Upon acceptance of the application and fees by the board, an applicant shall have twenty-four months to successfully complete the requirements for licensure found in this section or the application for licensure shall be canceled.

2. If a person applies for a limited license to work only in a funeral establishment which is licensed only for cremation, including transportation of dead human bodies to and from the funeral establishment, he or she shall make application, pay the current application and examination fee and successfully complete the Missouri law examination. He or she shall be exempt from the twelve-month apprenticeship **required by subsection 1 of this section** and the practical examination before the board. If a person has a limited license issued pursuant to this subsection, he or she may obtain a full funeral director's license if he or she fulfills the apprenticeship and successfully completes the funeral director practical examination.

3. If an individual is a Missouri licensed embalmer or has [graduated from an institute of mortuary

science education] **completed a program** accredited by the American Board of Funeral Service Education [or], any successor organization [recognized by the United States Department of Education for funeral service education], **or other accrediting entity as approved by the board** or has successfully completed a course of study in funeral directing offered by [a college] **an institution** accredited by a recognized national, regional or state accrediting body and approved by the state board of embalmers and funeral directors, and desires to enter the profession of funeral directing in this state, the individual shall comply with all the requirements for licensure as a funeral director pursuant to subsection 1 of section 333.041 and subsection 1 of this section; however, the individual is exempt from the twelve-month apprenticeship required by subsection 1 of this section.

333.051. 1. Any [nonresident] individual holding a valid, unrevoked and unexpired license as a funeral director or embalmer in the state of his **or her** residence may be granted a license to practice funeral directing or embalming in this state on application to the board and on providing the board with such evidence as to his **or her** qualifications as is required by the board. [No license shall be granted to a nonresident applicant except one who resides in a county contiguous and adjacent to the state of Missouri and who is regularly engaged in the practice of funeral directing or embalming, as defined by this chapter, at funeral establishments within this state or in an establishment located in a county contiguous and adjacent to the state of Missouri, unless the law of the state of the applicant's residence authorizes the granting of licenses to practice funeral directing in such state to persons licensed as funeral directors under the law of the state of Missouri.]

2. Any individual holding a valid, unrevoked and unexpired license as an embalmer or funeral director in another state having requirements substantially similar to those existing in this state [who is or intends to become a resident of this state] may apply for a license to practice in this state by filing with the board a certified statement from the examining board of the state or territory in which the applicant holds his **or her** license showing the grade rating upon which [his] **the** license was granted, together with a recommendation, and the board shall grant the applicant a license upon his **or her** successful completion of an examination over Missouri laws as required in section 333.041 or section 333.042 if the board finds that the applicant's qualifications meet the requirements for funeral directors or embalmers in this state at the time the applicant was originally licensed in the other state.

3. A person holding a valid, unrevoked and unexpired license to practice funeral directing or embalming in another state or territory with requirements less than those of this state may, after five consecutive years of active experience as a licensed funeral director or embalmer in that state, apply for a license to practice in this state after passing a test to prove his **or her** proficiency, including but not limited to a knowledge of the laws and regulations of this state as to funeral directing and embalming.

333.061. 1. No funeral establishment shall be operated in this state unless the owner or operator thereof has a license issued by the board.

2. A license for the operation of a funeral establishment shall be issued by the board, if the board finds:

(1) That the establishment is under the general management and the supervision of a duly licensed funeral director;

(2) That all embalming performed therein is performed by or under the direct supervision of a duly licensed embalmer;

(3) That any place in the funeral establishment where embalming is conducted contains a preparation

room with a sanitary floor, walls and ceiling, and adequate sanitary drainage and disposal facilities including running water, and complies with the sanitary standard prescribed by the department of health and senior services for the prevention of the spread of contagious, infectious or communicable diseases;

(4) Each funeral establishment shall have [available in the preparation or embalming room] a register book or log which shall be available at all times [in full view] for the board's inspector and [the name of each body embalmed, place, if other than at the establishment, the date and time that the embalming took place, the name and signature of the embalmer and the embalmer's license number shall be noted in the book] **that shall contain:**

(a) The name of each body that has been in the establishment;

(b) The date the body arrived at the establishment;

(c) If applicable, the place of embalming, if known; and

(d) If the body was embalmed at the establishment, the date and time that the embalming took place, and the name, signature, and license number of the embalmer; and

(5) The establishment complies with all applicable state, county or municipal zoning ordinances and regulations.

3. The board shall grant or deny each application for a license pursuant to this section within thirty days after it is filed. The applicant may request in writing up to two thirty-day extensions of the application, provided the request for an extension is received by the board prior to the expiration of the thirty-day application or extension period.

4. Licenses shall be issued pursuant to this section upon application and the payment of a funeral establishment fee and shall be renewed at the end of the licensing period on the establishment's renewal date.

5. The board may refuse to renew or may suspend or revoke any license issued pursuant to this section if it finds, after hearing, that the funeral establishment does not meet any of the requirements set forth in this section as conditions for the issuance of a license, or for the violation by the owner of the funeral establishment of any of the provisions of section 333.121. No new license shall be issued to the owner of a funeral establishment or to any corporation controlled by such owner for three years after the revocation of the license of the owner or of a corporation controlled by the owner. Before any action is taken pursuant to this subsection the procedure for notice and hearing as prescribed by section 333.121 shall be followed.

333.091. [Each establishment, funeral director or embalmer receiving a license under this chapter shall have recorded in the office of the local registrar of vital statistics of the registration district in which the licensee practices.] All licenses or registrations, or duplicates thereof, issued pursuant to this chapter shall be displayed at each place of business.

333.151. 1. The state board of embalmers and funeral directors shall consist of ten members, including one voting public member appointed by the governor with the advice and consent of the senate. Each member, other than the public member, appointed shall possess either a license to practice embalming or a license to practice funeral directing in this state or both said licenses and shall have been actively engaged in the practice of embalming or funeral directing for a period of five years next before his or her appointment. Each member shall be a United States citizen, a resident of this state for a period of at least one year, a qualified voter of this state and shall be of good moral character. Not more than five members

of the board shall be of the same political party. The nonpublic members shall be appointed by the governor, with the advice and consent of the senate[, one from each of the state’s congressional districts be of good moral character and submit an audited financial statement of their funeral establishment by an independent auditor for the previous five years. This audited financial statement must include all at-need and preneed business]. **A majority of the members shall constitute a quorum. Members shall be appointed to represent diversity in gender, race, ethnicity, and the various geographic regions of the state.**

2. Each member of the board shall serve for a term of five years. Any vacancy on the board shall be filled by the governor and the person appointed to fill the vacancy shall possess the qualifications required by this chapter and shall serve until the end of the unexpired term of his or her predecessor, if any.

3. The public member shall be at the time of his or her appointment a person who is not and never was a member of any profession licensed or regulated pursuant to this chapter or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by this chapter, or an activity or organization directly related to any profession licensed or regulated pursuant to this chapter. All members, including public members, shall be chosen from lists submitted by the director of the division of professional registration. The duties of the public member shall not include the determination of the technical requirements to be met for licensure or whether any person meets such technical requirements or of the technical competence or technical judgment of a licensee or a candidate for licensure.

333.171. The board shall hold at least two regular meetings each year for the purpose of administering examinations at times and places fixed by the board. Other meetings shall be held at the times fixed by regulations of the board or on the call of the chairman of the board. Notice of the time and place of each regular or special meeting shall be mailed by the executive secretary to each member of the board at least five days before the date of the meeting. [At all meetings of the board three members constitute a quorum.] The board may adopt and use a common seal.”; and

Further amend said bill, Page 34, Section 339.190, Line 43, by inserting after all of said line the following:

“436.405. 1. As used in sections 436.400 to 436.520, unless the context otherwise requires, the following terms shall mean:

(1) “Beneficiary”, the individual who is to be the subject of the disposition or who will receive funeral services, facilities, or merchandise described in a preneed contract;

(2) **“Board”, the board of embalmers and funeral directors;**

(3) “Guaranteed contract”, a preneed contract in which the seller promises, assures, or guarantees to the purchaser that all or any portion of the costs for the disposition, services, facilities, or merchandise identified in a preneed contract will be no greater than the amount designated in the contract upon the preneed beneficiary’s death or that such costs will be otherwise limited or restricted;

[(3)] (4) “Insurance-funded preneed contract”, a preneed contract which is designated to be funded by payments or proceeds from an insurance policy or [single premium] **a deferred annuity contract that is not classified as a variable annuity and has death benefit proceeds that are never less than the sum of premiums paid;**

[(4)] (5) “Joint account-funded preneed contract”, a preneed contract which designates that payments

for the preneed contract made by or on behalf of the purchaser will be deposited and maintained in a joint account in the names of the purchaser and seller, as provided in this chapter;

[(5)] (6) “Market value”, a fair market value:

(a) As to cash, the amount thereof;

(b) As to a security as of any date, the price for the security as of that date obtained from a generally recognized source, or to the extent no generally recognized source exists, the price to sell the security in an orderly transaction between unrelated market participants at the measurement date; and

(c) As to any other asset, the price to sell the asset in an orderly transaction between unrelated market participants at the measurement date consistent with statements of financial accounting standards;

[(6)] (7) “Nonguaranteed contract”, a preneed contract in which the seller does not promise, assure, or guarantee that all or any portion of the costs for the disposition, facilities, service, or merchandise identified in a preneed contract will be limited to the amount designated in the contract upon the preneed beneficiary’s death or that such costs will be otherwise limited or restricted;

[(7)] (8) “Preneed contract”, any contract or other arrangement which provides for the final disposition in Missouri of a dead human body, funeral or burial services or facilities, or funeral merchandise, where such disposition, services, facilities, or merchandise are not immediately required. Such contracts include, but are not limited to, agreements providing for a membership fee or any other fee for the purpose of furnishing final disposition, funeral or burial services or facilities, or funeral merchandise at a discount or at a future date;

[(8)] (9) “Preneed trust”, a trust to receive deposits of, administer, and disburse payments received under preneed contracts, together with income thereon;

[(9)] (10) “Purchaser”, the person who is obligated to pay under a preneed contract;

[(10)] (11) “Trustee”, the trustee of a preneed trust, including successor trustees;

[(11)] (12) “Trust-funded preneed contract”, a preneed contract which provides that payments for the preneed contract shall be deposited and maintained in trust.

2. All terms defined in chapter 333 shall be deemed to have the same meaning when used in sections 436.400 to 436.520.

436.412. Each preneed contract made before August 28, 2009, and all payments and disbursements under such contract shall continue to be governed by this chapter as the chapter existed at the time the contract was made. Any licensee or registrant of the board may be disciplined for violation of any provision of sections 436.005 to 436.071 within the applicable statute of limitations. [In addition, the provisions of section 436.031, as it existed on August 27, 2009, shall continue to govern disbursements to the seller from the trust and payment of trust expenses.] Joint accounts in existence as of August 27, 2009, shall continue to be governed by the provisions of section 436.053, as that section existed on August 27, 2009.

436.445. A trustee of any preneed trust, including trusts established before August 28, 2009, shall not after August 28, 2009, make any decisions to invest any trust fund with:

(1) The spouse of the trustee;

(2) The descendants, siblings, parents, or spouses of a seller or an officer, manager, director or employee

of a seller, provider, or preneed agent;

(3) Agents, **other than authorized external investment advisors as authorized by section 436.440**, or attorneys of a trustee, seller, or provider; or

(4) A corporation or other person or enterprise in which the trustee, seller, or provider owns a controlling interest or has an interest that might affect the trustee's judgment.

436.450. 1. An insurance-funded preneed contract shall comply with sections 436.400 to 436.520 and the specific requirements of this section.

2. A seller, provider, or any preneed agent shall not receive or collect from the purchaser of an insurance-funded preneed contract any amount in excess of what is required to pay the premiums on the insurance policy as assessed or required by the insurer as premium payments for the insurance policy except for any amount required or authorized by this chapter or by rule. A seller shall not receive or collect any administrative or other fee from the purchaser for or in connection with an insurance-funded preneed contract, other than those fees or amounts assessed by the insurer. As of August 29, 2009, no preneed seller, provider, or agent shall use any existing preneed contract as collateral or security pledged for a loan or take preneed funds of any existing preneed contract as a loan for any purpose other than as authorized by this chapter.

3. Payments collected by or on behalf of a seller for an insurance-funded preneed contract shall be promptly remitted to the insurer or the insurer's designee as required by the insurer; provided that payments shall not be retained or held by the seller or preneed agent for more than thirty days from the date of receipt.

4. It is unlawful for a seller, provider, or preneed agent to procure or accept a loan against any insurance contract used to fund a preneed contract.

5. Laws regulating insurance shall not apply to preneed contracts, but shall apply to any insurance or [single premium] annuity sold with a preneed contract; provided, however, the provisions of [this act] **sections 436.400 to 436.520** shall not apply to [single premium] annuities or insurance policies regulated by chapters 374, 375, and 376 used to fund preneed funeral agreements, contracts, or programs.

6. This section shall apply to all preneed contracts including those entered into before August 28, 2009.

7. For any insurance-funded preneed contract sold after August 28, 2009, the following shall apply:

(1) The purchaser or beneficiary shall be the owner of the insurance policy purchased to fund a preneed contract; and

(2) An insurance-funded preneed contract shall be valid and enforceable only if the seller or provider is named as the beneficiary or assignee of the life insurance policy funding the contract.

8. If the proceeds of the life insurance policy exceed the actual cost of the goods and services provided pursuant to the nonguaranteed preneed contract, any overage shall be paid to the estate of the beneficiary, or, if the beneficiary received public assistance, to the state of Missouri.

436.455. 1. A joint account-funded preneed contract shall comply with sections 436.400 to 436.520 and the specific requirements of this section.

2. In lieu of a trust-funded or insurance-funded preneed contract, the seller and the purchaser may agree in writing that all funds paid by the purchaser or beneficiary for the preneed contract shall be deposited with a financial institution chartered and regulated by the federal or state government authorized to do business

in Missouri in an account in the joint names and under the joint control of the seller and purchaser, beneficiary or party holding power of attorney over the beneficiary's estate, **or in an account titled in the beneficiary's name and payable on the beneficiary's death to the seller.** There shall be a separate joint account established for each preneed contract sold or arranged under this section. Funds shall only be withdrawn or paid from the account upon the signatures of both the seller and the purchaser or under a pay-on-death designation or as required to pay reasonable expenses of administering the account.

3. All consideration paid by the purchaser under a joint account-funded contract shall be deposited into a joint account as authorized by this section within ten days of receipt of payment by the seller.

4. The financial institution shall hold, invest, and reinvest funds deposited under this section in other accounts offered to depositors by the financial institutions as provided in the written agreement of the purchaser and the seller, provided the financial institution shall not invest or reinvest any funds deposited under this section in term life insurance or any investment that does not reasonably have the potential to gain income or increase in value.

5. Income generated by preneed funds deposited under this section shall be used to pay the reasonable expenses of administering the account as charged by the financial institution and the balance of the income shall be distributed or reinvested upon fulfillment of the contract, cancellation or transfer pursuant to the provisions of this chapter.

6. Within fifteen days after a provider [and a witness certify to the financial institution in writing] **delivers a copy of a certificate of performance to the seller, signed by the provider and the person authorized to make arrangements on behalf of the beneficiary, certifying** that the provider has furnished the final disposition, funeral, and burial services and facilities, and merchandise as required by the preneed contract, or has provided alternative funeral benefits for the beneficiary under special arrangements made with the purchaser, the [financial institution shall distribute the deposited funds to the seller if the certification has been approved by the purchaser] **seller shall take whatever steps are required by the financial institution to secure payment of the funds from the financial institution.** The seller shall pay the provider within ten days of receipt of funds.

7. Any seller, provider, or preneed agent shall not procure or accept a loan against any investment, or asset of, or belonging to a joint account. As of August 28, 2009, it shall be prohibited to use any existing preneed contract as collateral or security pledged for a loan, or take preneed funds of any existing preneed contract as a loan or for any purpose other than as authorized by this chapter.

436.456. At any time before final disposition, or before the funeral or burial services, facilities, or merchandise described in a preneed contract are furnished, the purchaser may cancel the contract, if designated as revocable, without cause. In order to cancel the contract the purchaser shall:

(1) In the case of a joint account-funded preneed contract, deliver written notice of the cancellation to the seller [and the financial institution]. Within fifteen days of receipt of notice of the cancellation, the [financial institution shall distribute all deposited funds to the purchaser] **seller shall take whatever steps may be required by the financial institution to obtain the funds from the financial institution. Upon receipt of the funds from the financial institution, the seller shall distribute the principal to the purchaser.** Interest shall be distributed as provided in the agreement with the seller and purchaser;

(2) In the case of an insurance-funded preneed contract, deliver written notice of the cancellation to the seller. Within fifteen days of receipt of notice of the cancellation, the seller shall notify the purchaser that

the cancellation of the contract shall not cancel any life insurance funding the contract and that insurance cancellation is required to be made in writing to the insurer;

(3) In the case of a trust-funded preneed contract, deliver written notice of the cancellation to the seller and trustee. Within fifteen days of receipt of notice of the cancellation, the trustee shall distribute one hundred percent of the trust property including any percentage of the total payments received on the trust-funded contract that have been withdrawn from the account under subsection 4 of section 436.430 but excluding the income, to the purchaser of the contract;

(4) In the case of a guaranteed installment payment contract where the beneficiary dies before all installments have been paid, the purchaser shall pay the seller the amount remaining due under the contract in order to receive the goods and services set out in the contract, otherwise the purchaser or their estate will receive full credit for all payments the purchaser has made towards the cost of the beneficiary's funeral at the provider current prices.""; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR
HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 29, Page 33, Section 339.190, Line 18, by inserting after all of said section and line, the following:

“376.1257. 1. Any health benefit plan that provides coverage and benefits for cancer chemotherapy treatment shall not require a higher co-payment, deductible, or coinsurance amount for a prescribed orally administered anticancer medication that is used to kill or slow the growth of cancerous cells than what the plan requires for an intravenously administered or injected cancer medication that is provided, regardless of formulation or benefit category determination by the health carrier administering the health benefit plan.

2. A health carrier shall not achieve compliance with the provisions of this section by imposing an increase in co-payment, deductible, or coinsurance amount for an intravenously administered or injected cancer chemotherapy agent covered under the health benefit plan.

3. Nothing in this section shall be interpreted to prohibit a health carrier from requiring prior authorization or imposing other appropriate utilization controls in approving coverage for any chemotherapy.

4. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months or less duration, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

5. As used in this section, the terms “health benefit plan” and “health carrier” shall have the same meanings ascribed to such terms in section 376.1350.

6. Coverage under this section shall be limited to Federal Drug Administration approved indications and National Comprehensive Cancer Network recommendations.

7. Coverage under this section may be administered by a specialty pharmacy network.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 29, Page 1, In the Title, Line 2, by inserting after the word “sections” the numbers “195.060, 195.080,”; and

Further amend said bill, Page 1, In the Title, Line 3, by inserting after the number “334.715,” the number “334.747,”; and

Further amend said bill, Page 1, In the Title, Line 5, by deleting the word “thirty” and inserting in lieu thereof the word “forty-four”; and

Further amend said bill, Page 1, Section A, Line 1, by inserting after the word “Sections” the numbers “195.060, 195.080,”; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after the number “334.715,” the number “334.747,”; and

Further amend said bill, Page 1, Section A, Line 3, by deleting the word “thirty” and inserting in lieu thereof the word “forty-four”; and

Further amend said bill, Page 1, Section A, Line 4, by inserting after the word “sections” the numbers “195.060, 195.080, 195.450, 195.453, 195.456, 195.459, 195.462, 195.465, 195.468, 195.471, 195.474, 195.477, 195.480,”; and

Further amend said bill, Page 1, Section A, Line 6, by inserting after the number “334.715,” the number “334.747,”; and

Further amend said bill, Page 1, Section A, Line 7, by inserting after all of said line the following:

“195.060. 1. Except as provided in subsection [3] **4** of this section, a pharmacist, in good faith, may sell and dispense controlled substances to any person only upon a prescription of a practitioner as authorized by statute, provided that the controlled substances listed in Schedule V may be sold without prescription in accordance with regulations of the department of health and senior services. All written prescriptions shall be signed by the person prescribing the same. All prescriptions shall be dated on the day when issued and bearing the full name and address of the patient for whom, or of the owner of the animal for which, the drug is prescribed, and the full name, address, and the registry number under the federal controlled substances laws of the person prescribing, if he is required by those laws to be so registered. If the prescription is for an animal, it shall state the species of the animal for which the drug is prescribed. The person filling the prescription shall either write the date of filling and his own signature on the prescription or retain the date of filling and the identity of the dispenser as electronic prescription information. The prescription or electronic prescription information shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of two years, so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this law. No prescription for a drug in Schedule I or II shall be filled more than six months after the date prescribed; no prescription for a drug in schedule I or II shall be refilled; no prescription for a drug in Schedule III or IV shall be filled or refilled more than six months after the date of the original prescription or be refilled more than five times unless renewed by the practitioner.

2. A pharmacist, in good faith, may sell and dispense controlled substances to any person upon a prescription of a practitioner located in another state, provided that the prescription was issued according to and in compliance with the applicable laws of that state and the United States.

3. The legal owner of any stock of controlled substances in a pharmacy, upon discontinuance of dealing in such drugs, may sell the stock to a manufacturer, wholesaler, or pharmacist, but only on an official written order.

[3.] **4.** A pharmacist, in good faith, may sell and dispense any Schedule II drug or drugs to any person in emergency situations as defined by rule of the department of health and senior services upon an oral prescription by an authorized practitioner.

[4.] **5.** Except where a bona fide physician-patient-pharmacist relationship exists, prescriptions for narcotics or hallucinogenic drugs shall not be delivered to or for an ultimate user or agent by mail or other common carrier.

195.080. 1. Except as otherwise in sections 195.005 to 195.425 specifically provided, sections 195.005 to 195.425 shall not apply to the following cases: prescribing, administering, dispensing or selling at retail of liniments, ointments, and other preparations that are susceptible of external use only and that contain controlled substances in such combinations of drugs as to prevent the drugs from being readily extracted from such liniments, ointments, or preparations, except that sections 195.005 to 195.425 shall apply to all liniments, ointments, and other preparations that contain coca leaves in any quantity or combination.

2. [The quantity of Schedule II controlled substances prescribed or dispensed at any one time shall be limited to a thirty-day supply.] The quantity of Schedule **II**, III, IV or V controlled substances prescribed or dispensed at any one time shall be limited to a ninety-day supply and shall be prescribed and dispensed in compliance with the general provisions of sections 195.005 to 195.425. [The supply limitations provided in this subsection may be increased up to three months if the physician describes on the prescription form or indicates via telephone, fax, or electronic communication to the pharmacy to be entered on or attached to the prescription form the medical reason for requiring the larger supply.] The supply limitations provided in this subsection shall not apply if:

(1) The prescription issued by a practitioner located in another state according to and in compliance with the applicable laws of that state and the United States and dispensed to a patient located or residing in another state; or

(2) The prescription is dispensed directly to a member of the United States armed forces serving outside the United States.

3. The partial filling of a prescription for a Schedule II substance is permissible as defined by regulation by the department of health and senior services.

195.450. 1. Sections 195.450 to 195.480 shall be known and may be cited as the “Prescription Drug Monitoring Program Act”.

2. As used in sections 195.450 to 195.480, the following terms mean:

(1) “Controlled substance”, the same meaning given such term in section 195.010;

(2) “Department”, the department of health and senior services;

(3) “Dispenser”, a person located in Missouri who delivers a schedule II, III, IV, or V controlled substance to the ultimate user, but does not include:

(a) A hospital, as defined in section 197.020, that distributes such substances for the purpose of inpatient hospital care or dispenses prescriptions for controlled substances at the time of discharge

from an inpatient stay at such facility;

(b) A practitioner or other authorized person who administers such a substance; or

(c) A wholesale distributor of a schedule II, III, IV, or V controlled substance;

(4) “Patient”, a person or animal who is the ultimate user of a drug for whom a prescription is issued or for whom a drug is dispensed;

(5) “Schedule II, III, IV, or V controlled substance”, a controlled substance that is listed in schedules II, III, IV, or V of the schedules provided under this chapter or the Federal Controlled Substances Act, 21 U.S.C. Section 812.

195.453. 1. Subject to appropriations, the department of health and senior services shall establish and maintain a program for the monitoring of prescribing and dispensing of all schedule II, III, IV, and V controlled substances by all professionals, except schedule V controlled substance containing any detectable amount of pseudoephedrine, by all professionals licensed to prescribe or dispense such substances in this state. The department may apply for any available grants and accept any gifts, grants, or donations to assist in developing and maintaining the program.

2. Each dispenser shall submit to the department by electronic means information regarding each dispensation of a drug included in subsection 1 of this section. The information submitted for each shall include, but not be limited to:

(1) The dispenser identification number;

(2) The date of the dispensation;

(3) If there is a prescription:

(a) The prescription number;

(b) Whether the prescription is new or a refill;

(c) The prescriber identification number;

(d) The date the prescription is issued by the prescriber;

(e) The person who receives the prescription from the dispenser, if other than the patient;

(f) The source of payment for the prescription;

(4) The NDC code for the drug dispensed;

(5) The number of days’ supply of the drug;

(6) The quantity dispensed;

(7) The patient identification number;

(8) The patient’s name, address, and date of birth.

3. Each dispenser shall submit the information in accordance with transmission methods and frequency established by the department; except that, each dispenser shall report at least every seven days between the first and fifteenth of the month following the month of the dispensation.

4. The department may issue a waiver to a dispenser that is unable to submit dispensation information by electronic means. Such waiver may permit the dispenser to submit dispensation

information by paper form or other means, provided all information required in subsection 2 of this section is submitted in such alternative format.

195.456. 1. Dispensation information submitted to the department shall be confidential and not subject to public disclosure under chapter 610 except as provided in subsections 3 to 5 of this section.

2. The department shall maintain procedures to ensure that the privacy and confidentiality of patients and personnel information collected, recorded, transmitted, and maintained is not disclosed to persons except as provided in subsections 3 to 5 of this section.

3. The department shall review the dispensation information and, if there is reasonable cause to believe a violation of law or breach of professional standards may have occurred, the department shall notify the appropriate law enforcement or professional licensing, certification, or regulatory agency or entity, and provide dispensation information required for an investigation.

4. The department may provide data in the controlled substances dispensation monitoring program to the following persons:

(1) Persons, both in-state and out-of-state, authorized to prescribe or dispense controlled substances for the purpose of providing medical or pharmaceutical care for their patients;

(2) An individual who requests his or her own dispensation monitoring information in accordance with state law;

(3) The state board of pharmacy;

(4) Any state board charged with regulating a professional that has the authority to prescribe or dispense controlled substances that requests data related to a specific professional under the authority of that board;

(5) Local, state, and federal law enforcement or prosecutorial officials, both in-state and out-of-state engaged in the administration, investigation, or enforcement of the laws governing licit drugs based on a specific case and under a subpoena or court order;

(6) The family support division within the department of social services regarding Medicaid program recipients;

(7) A judge or other judicial authority under a subpoena or court order; and

(8) Authorized personnel of the department of health and senior services for the administration and enforcement of sections 195.450 to 195.480.

5. The department may provide data to public or private entities for statistical, research, or educational purposes after removing information that could be used to identify individual patients or persons who received dispensations from dispensers.

6. Nothing in sections 195.450 to 195.480 shall be construed to require a pharmacist or prescriber to obtain information about a patient from the database. A pharmacist or prescriber shall not be held liable for damages to any person in any civil action for injury, death, or loss to person or property on the basis that the pharmacist or prescriber did or did not seek or obtain information from the database.

195.459. The department is authorized to contract with any other agency of this state or with a

private vendor, as necessary, to ensure the effective operation of the prescription monitoring program. Any contractor shall comply with the provisions regarding confidentiality of prescription information in section 195.456.

195.462. The department shall promulgate rules setting forth the procedures and methods of implementing sections 195.450 to 195.480. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. Sections 195.450 to 195.480 and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.

195.465. 1. A dispenser who knowingly fails to submit dispensation monitoring information to the department as required in sections 195.450 to 195.480 or knowingly submits the incorrect dispensation information is guilty of a class A misdemeanor.

2. A person authorized to have dispensation monitoring information under sections 195.450 to 195.480 who knowingly discloses such information in violation of sections 195.450 to 195.480 or who uses such information in a manner and for a purpose in violation of sections 195.450 to 195.480 is guilty of a class A misdemeanor.

195.468. 1. The department shall implement the following education courses:

(1) An orientation course during the implementation phase of the dispensation monitoring program established in section 195.453;

(2) A course for persons who are authorized to access the dispensation monitoring information but who did not participate in the orientation course;

(3) A course for persons who are authorized to access the dispensation monitoring information but who have violated laws or breached occupational standards involving dispensing, prescribing, and use of substances monitored by the dispensation monitoring program established in section 195.453;

When appropriate, the department shall develop the content of the education courses described in subdivisions (1) to (3) of this subsection.

2. The department shall, when appropriate:

(1) Work with associations for impaired professionals to ensure intervention, treatment, and ongoing monitoring and followup; and

(2) Encourage individual patients who are identified and who have become addicted to substances monitored by the dispensation monitoring program established in section 195.453 to receive addiction treatment.

195.471. The department of health and senior services shall develop and implement an electronic logbook to monitor the sale of schedule V controlled substances containing any detectable amount of pseudoephedrine. All pharmacists and registered pharmacy technicians shall submit their logbooks, as required under section 195.017, electronically in accordance with rules promulgated by the department.

195.474. 1. Beginning January 1, 2012, the bureau of narcotics and dangerous drugs within the department of health and senior services shall establish a two-year statewide pilot project for the reporting of fraudulently obtained prescription controlled substances. The pilot project shall include the following:

(1) Provide a toll-free number for reporting to the bureau by physicians, pharmacists, and other health care professionals with prescriptive authority who have reason to believe that a person is fraudulently attempting to obtain a prescription for a controlled substance or is attempting to obtain an excessive amount of a controlled substance by prescription;

(2) Establish a system within the bureau for receiving such reports under subdivision (1) of this subsection along with any evidence offered or submitted by the reporter which indicates the fraud; and

(3) Forward such reports, along with any evidence offered or submitted to the appropriate prosecuting attorney or the state attorney general for investigation and prosecution.

2. On or before February 1, 2013, and February 1, 2014, the bureau of narcotics and dangerous drugs shall submit a report to the general assembly detailing the following specifics regarding the pilot project:

(1) The number of reports received under this section;

(2) The type of evidence offered or submitted indicating the fraud;

(3) The number of referrals to the attorney general and each local prosecuting attorney;

(4) The number of cases investigated and prosecuted as a result of such reporting, and the number of convictions or pleas resulting from such investigations and prosecutions. The attorney general and local prosecuting attorneys shall cooperate with the bureau in the submission and collection of the information necessary for inclusion in the report; and

(5) Any recommendations regarding continuance of and improvements in the pilot project.

Nothing in this section shall be construed as authorizing the inclusion or release of any identifying information of any reporter or person who is identified as a person who is attempting to fraudulently obtain prescription controlled substances.

3. Any person who in good faith reports to the bureau under this section shall be immune from any civil or criminal liability as the result of such good faith reporting.

4. The department of health and senior services may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.

5. The pilot project shall be funded from existing appropriations or with any moneys specifically appropriated for this pilot project. The lack of any additional new appropriations for this pilot

project shall not be sufficient cause for the department to fail to establish the pilot project under this section.

6. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset three years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

195.477. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under sections 195.450 to 195.480 shall automatically sunset six years after the effective date of sections 195.450 to 195.480 unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under sections 195.450 to 195.480 shall automatically sunset six years after the effective date of the reauthorization of sections 195.450 to 195.480; and

(3) Sections 195.450 to 195.480 shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under sections 195.450 to 195.480 is sunset.

195.480. The provisions of sections 195.450 to 195.480 shall be funded with federal or private grant moneys. If no federal or private grant moneys are available to implement the provisions of sections 195.450 to 195.480, the prescription drug monitoring act shall be implemented subject to appropriations.”; and

Further amend said bill, Page 27, Section 334.715, Line 63, by inserting after all of said line the following:

“334.747. 1. A physician assistant with a certificate of controlled substance prescriptive authority as provided in this section may prescribe any controlled substance listed in schedule III, IV, or V of section 195.017 when delegated the authority to prescribe controlled substances in a supervision agreement. Such authority shall be listed on the supervision verification form on file with the state board of healing arts. The supervising physician shall maintain the right to limit a specific scheduled drug or scheduled drug category that the physician assistant is permitted to prescribe. Any limitations shall be listed on the supervision form. Physician assistants shall not prescribe controlled substances for themselves or members of their families. Schedule III controlled substances shall be limited to a five-day supply without refill. Physician assistants who are authorized to prescribe controlled substances under this section shall register with the federal Drug Enforcement Administration and the state bureau of narcotics and dangerous drugs, and shall include [such] **the Drug Enforcement Administration** registration [numbers] **number** on prescriptions for controlled substances.

2. The supervising physician shall be responsible to determine and document the completion of at least one hundred twenty hours in a four-month period by the physician assistant during which the physician

assistant shall practice with the supervising physician on-site prior to prescribing controlled substances when the supervising physician is not on-site. Such limitation shall not apply to physician assistants of population-based public health services as defined in 20 CSR 2150-5.100 as of April 30, 2009.

3. A physician assistant shall receive a certificate of controlled substance prescriptive authority from the board of healing arts upon verification of the completion of the following educational requirements:

(1) Successful completion of an advanced pharmacology course that includes clinical training in the prescription of drugs, medicines, and therapeutic devices. A course or courses with advanced pharmacological content in a physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its predecessor agency shall satisfy such requirement;

(2) Completion of a minimum of three hundred clock hours of clinical training by the supervising physician in the prescription of drugs, medicines, and therapeutic devices;

(3) Completion of a minimum of one year of supervised clinical practice or supervised clinical rotations. One year of clinical rotations in a program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its predecessor agency, which includes pharmacotherapeutics as a component of its clinical training, shall satisfy such requirement. Proof of such training shall serve to document experience in the prescribing of drugs, medicines, and therapeutic devices;

(4) A physician assistant previously licensed in a jurisdiction where physician assistants are authorized to prescribe controlled substances may obtain a state bureau of narcotics and dangerous drugs registration if a supervising physician can attest that the physician assistant has met the requirements of subdivisions (1) to (3) of this subsection and provides documentation of existing federal Drug Enforcement Agency registration.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 13

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill 29, Page 2, Section 197.705, Line 40, by inserting immediately after the word “**hospitals**” the following:

“, **ambulatory surgical centers**,”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 14

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 29, Page 1, Section A, Line 7, by inserting after all of said line the following:

“44.114. Except as otherwise provided in this section, at the time of any emergency, catastrophe or other life or property threatening event which jeopardizes the ability of an insurer to address the financial needs of its insureds or the public, no political subdivision shall impose restrictions or enforce local licensing or registration ordinances with respect to such insurer’s claims handling operations. As used in this section, the term “claims handling operations” includes but is not limited to the establishment of a base of operations by an insurer within the disaster area and the investigation and handling of claims by personnel authorized by any such insurer. Nothing herein shall prohibit a political subdivision from performing any safety inspection authorized by local

ordinance of the premises fo the insurer's base of operations within the disaster area.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 15

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 29, Section A, Page 1, Line 7, by inserting after all of said section and line the following:

“191.227. 1. All physicians, chiropractors, hospitals, dentists, and other duly licensed practitioners in this state, herein called “providers”, shall, upon written request of a patient, or guardian or legally authorized representative of a patient, furnish a copy of his or her record of that patient’s health history and treatment rendered to the person submitting a written request, except that such right shall be limited to access consistent with the patient’s condition and sound therapeutic treatment as determined by the provider. Beginning August 28, 1994, such record shall be furnished within a reasonable time of the receipt of the request therefor and upon payment of a fee as provided in this section.

2. Health care providers may condition the furnishing of the patient’s health care records to the patient, the patient’s authorized representative or any other person or entity authorized by law to obtain or reproduce such records upon payment of a fee for:

(1) (a) Copying, in an amount not more than [seventeen] **twenty-one** dollars and [five] **thirty-six** cents plus [forty] **fifty** cents per page for the cost of supplies and labor **plus, if the health care provider has contracted for off-site records storage and management, any additional labor costs of outside storage retrieval, not to exceed twenty dollars, as adjusted annually pursuant to subsection 5 of this section; or**

(b) If the health care provider stores records in an electronic or digital format, and provides the requested records and affidavit, if requested, in an electronic or digital format, not more than five dollars plus fifty cents per page or twenty-five dollars total, whichever is less;

(2) Postage, to include packaging and delivery cost; and

(3) Notary fee, not to exceed two dollars, if requested.

3. Notwithstanding provisions of this section to the contrary, providers may charge for the reasonable cost of all duplications of health care record material or information which cannot routinely be copied or duplicated on a standard commercial photocopy machine.

4. The transfer of the patient’s record done in good faith shall not render the provider liable to the patient or any other person for any consequences which resulted or may result from disclosure of the patient’s record as required by this section.

5. Effective February first of each year, the fees listed in subsection 2 of this section shall be increased or decreased annually based on the annual percentage change in the unadjusted, U.S. city average, annual average inflation rate of the medical care component of the Consumer Price Index for All Urban Consumers (CPI-U). The current reference base of the index, as published by the Bureau of Labor Statistics of the United States Department of Labor, shall be used as the reference base. For purposes of this subsection, the annual average inflation rate shall be based on a twelve-month calendar year beginning in January and ending in December of each preceding calendar year. The department of health and senior services shall

report the annual adjustment and the adjusted fees authorized in this section on the department's Internet website by February first of each year.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mayer appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 59**, as amended: Senators Keaveny, Goodman, Crowell, Ridgeway and Justus.

President Pro Tem Mayer appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SB 226**, as amended: Senators Engler, Dixon, Parson, Callahan and Keaveny.

HOUSE BILLS ON THIRD READING

Senator Engler moved that **HB 71**, with **SS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

Senator Chappelle-Nadal offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for House Bill No. 71, Page 2, Section 84.344, Lines 7-8 of said amendment page, by striking the following: “or voluntary”; and further amend said amendment page, Lines 19 to 21, by striking said lines and inserting in lieu thereof the following:

“Further amend said bill, Page 4, Section 84.346, Line 12 of said page,”.

Senator Chappelle-Nadal moved that the above amendment be adopted, which motion prevailed.

SA 1, as amended, was again taken up.

Senator Crowell offered **SA 2** to **SA 1**:

SENATE AMENDMENT NO. 2 TO SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for House Bill No. 71, Page 1, Lines 4-5, by striking the following: “, **or any manager of the highest rank regardless of that person's title**,”; and further amend lines 9 to 13 by striking all of said lines; and further amend lines 19 to 21 by striking all of said lines; and further amend said amendment page 2, line 1 by striking all of said line; and

Further renumber the remaining subdivisions accordingly.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

SA 1, as amended, was again taken up.

Senator Chappelle-Nadal moved that the above amendment be adopted, which motion prevailed.

Senator Engler moved that **SS** for **HB 71**, as amended, be adopted, which motion prevailed.

At the request of Senator Engler, **SS** for **HB 71**, as amended, was placed on the Informal Calendar.

COMMUNICATIONS

President Pro Tem Mayer submitted the following:

May 9, 2011

Ms. Terry Spieler
Secretary of the Senate
State Capitol
Jefferson City, MO 65101

Dear Ms. Spieler:

Please be advised I am rescinding my appointment of Senator Ron Richard to the Missouri State Capitol Commission.
Should you have any questions please feel free to contact me.

Sincerely,
/s/ Robert N. Mayer
ROBERT N. MAYER
President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Lamping introduced to the Senate, his wife, Caryn and their daughters, Emma, Shelby and Charlotte, St. Louis; and Emma and Shelby were made honorary pages.

Senator Schmitt introduced to the Senate, his wife, Jaime and their daughters, Sophia and Olivia, Glendale; and Sophia was made an honorary page.

Senator Goodman introduced to the Senate, his sons, Jack Elliott and William True Goodman, Mt. Vernon; and Jack Elliott and William True were made honorary pages.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-SIXTH DAY—TUESDAY, MAY 10, 2011

FORMAL CALENDAR

VETOED BILLS

SCS for SB 188-Lager, et al

HOUSE BILLS ON SECOND READING

HCS for HB 999

HCS for HB 732

HCS for HBs 504, 505 & 874
HB 658-Schatz, et al

HCS for HB 707
HB 138-Thomson, et al

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna (In Fiscal Oversight)

SB 204-Dempsey, et al (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 260-Wasson, with SCS
2. SB 425-Goodman, with SCS
3. SB 400-Kraus, with SCS
4. SB 392-Rupp, with SCS
5. SB 403-Nieves
6. SB 329-Nieves
7. SB 353-Engler
8. SJR 16-Goodman, with SCS
9. SB 391-Lager
10. SB 253-Callahan and Cunningham, with SCS

11. SB 223-Mayer
12. SB 119-Schaefer
13. SB 150-Munzlinger
14. SB 84-Wright-Jones
15. SB 45-Wright-Jones
16. SB 14-Pearce, with SCS
17. SB 281-Kraus
18. SB 399-Kraus
19. SB 44-Wright-Jones

HOUSE BILLS ON THIRD READING

1. HCS for HB 431, with SCS (Justus)
(In Fiscal Oversight)
2. HB 151-Kelly (24) and Molendorp (Schaefer)
(In Fiscal Oversight)
3. HCS for HB 412, with SCS (Wasson)
4. HCS for HB 407 (Parson)
5. HCS for HB 265, with SCS (Wasson)
6. HB 484-Faith (Stouffer)
7. HCS for HB 430, with SCS (Stouffer)
8. HB 1008-Long, et al, with SCS (Dempsey)
9. HCS for HB 604, with SCS (Rupp)
10. HCS for HB 111, with SCS (Goodman)
11. HCS for HB 562, with SCS (Schmitt)
12. HB 525-Molendorp (Rupp)
13. HCS for HB 523, with SCS (Pearce)
14. HB 139-Smith (150), et al (Cunningham)
(In Fiscal Oversight)

15. HB 167-Nolte, et al, with SCA 1 (Nieves)
16. HB 402-Diehl and Korman (Wasson)
17. HCS for HBs 470 & 429, with SCS (Rupp)
18. HCS for HB 38, with SCS (Wright-Jones)
19. HB 68-Scharnhorst (Nieves)
20. HCS for HB 161, with SCS (Parson)
21. HB 184-Dugger, with SCS (Purgason)
22. HCS for HB 664, with SCS (Schmitt)
23. HCS for HB 366 (Justus)
(In Fiscal Oversight)
24. HB 675-Largent and Hoskins (Parson)
25. HCS for HJR 3 (Brown)
(In Fiscal Oversight)
26. HB 458-Loehner, et al (Brown)

INFORMAL CALENDAR
THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SS for SB 231-Lager

SENATE BILLS FOR PERFECTION

SBs 1 & 206-Ridgeway, with SCS & SA 1
(pending)

SBs 7, 5, 74 & 169-Goodman, with SCS

SB 10-Rupp

SB 23-Keaveny, with SCS & SS for SCS
(pending)

SB 25-Schaaf, with SCS & SS for SCS
(pending)

SB 28-Brown

SB 37-Lembke, with SCS

SB 52-Cunningham

SB 72-Kraus, with SS (pending)

SBs 88 & 82-Schaaf, with SCS & SA 1
(pending)

SB 120-Stouffer, with SS (pending)

SB 130-Rupp, with SCS & SS for SCS
(pending)

SB 155-Rupp, with SCS

SB 175-Munzlinger, et al, with SA 1
(pending)

SB 176-Munzlinger, et al

SBs 189, 217, 246, 252 & 79-Schmitt,
with SCS

SB 200-Crowell

SB 203-Schmitt, et al, with SS (pending)

SB 208-Lager

SB 209-Lager

SB 228-Pearce

SB 242-Cunningham, with SCS & SS for SCS
(pending)

SB 247-Pearce, with SS (pending)

SB 264-Rupp, with SCS

SB 278-Munzlinger, et al

SB 280-Purgason, et al, with SCS & SS
for SCS (pending)

SBs 291, 184 & 294-Pearce, with SCS & SA 4
(pending)

SB 299-Munzlinger, with SCS (pending)

SB 326-Wasson

SBs 369 & 370-Cunningham, with SCS

SB 390-Schmitt, et al

SBs 408 & 80-Crowell, with SCS

SB 420-Mayer, with SCS

SJR 11-Munzlinger, with SCS

SJR 15-Nieves, et al, with SS (pending)

HOUSE BILLS ON THIRD READING

HCS for HB 61

SS for HB 71-Nasheed, et al (Engler)

HCS for HB 89, with SCS & SS for SCS
(pending) (Lager)

HCS for HBs 112 & 285, with SCS (Brown)

HCS for HB 143 (Goodman)

HB 183-Silvey (Kraus)

HCS for HBs 294, 123, 125, 113, 271 & 215,
with SCS & SS for SCS (pending)
(Munzlinger)

HCS for HB 336 (Schmitt)

HB 361-Leara (Cunningham)

HB 442-Franz, with SA 2 (pending) (Parson)

HB 462-Pollock, with SCS (Lager)

HCS for HB 464, with SCS & SA 2 (pending)
(Wasson)

HCS for HB 545, with SCS & SS for SCS
(pending) (Schaaf)

HCS for HB 556

HCS#2 for HB 609, with SCS (pending) (Wasson)

HB 661-Wells, et al, with SCS (Lamping)
HB 667-Carter, et al (Wright-Jones)
HCS for HB 697, with SCS (pending) (Dixon)
HB 738-Nasheed, et al, with SCS (pending)
(Cunningham)

HJR 2-McGhee, et al (Goodman)
HJR 6-Cierpiot, et al (Cunningham)
HJR 29-Solon, et al, with SA 1 (pending)
(Munzlinger)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 3-Stouffer, with HCS#2, as amended
SCS for SB 29-Brown, with HCS, as amended
SS for SCS for SB 58-Stouffer and Lembke,
with HCS, as amended
SB 71-Parson, with HSA 1 for HA 1,
as amended & HA 2

SB 97-Engler, with HCS#2, as amended
SS for SB 118-Stouffer, with HCS, as amended
SB 187-Lager, et al, with HCS
SCS for SB 219-Wasson, with HCS, as amended
SB 250-Kehoe, with HCS, as amended

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SS#2 for SCS for SB 8-Goodman, with HCS,
as amended
SB 59-Keaveny, with HCS, as amended
SB 61-Keaveny, with HCS, as amended
SS for SB 135-Schaefer, with HCS, as amended
SB 145-Dempsey, with HCS, as amended
SB 173-Dixon and Kehoe, with HCS,
as amended

SB 220-Wasson, with HCS, as amended
SS for SB 226-Engler, with HCS, as amended
SB 282-Engler, with HCS, as amended
SB 322-Schaefer, with HCS, as amended
HB 101-Loehner, with SCS, as amended
(Cunningham)
HB 142-Gatschenberger, with SCS,
as amended (Dempsey)

RESOLUTIONS

Reported from Committee

SR 179-Purgason
HCS for HCR 23 (Dixon)

HCR 37-Franklin, et al (Wright-Jones)
HCR 42-Funderburk, et al (Lembke)

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Journal of the Senate

FIRST REGULAR SESSION

SIXTY-SIXTH DAY—TUESDAY, MAY 10, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“So let us not grow weary in doing what is right, for we will reap at harvest time, if we don’t give up.” (Galatians 6:9)

Gracious God, it has been a long session with days whisking by and the work increasing and now in this final week we have much to accomplish. Give us the strength to persist in spite of life’s obstacles and do what is needful and right. So walk with us these days and let us look and find areas to celebrate with one another. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Dempsey announced that photographers from Missouri News Horizon and KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Goodman offered Senate Resolution No. 1065, regarding Tyler White, Reeds Spring, which was adopted.

Senator Goodman offered Senate Resolution No. 1066, regarding Ryan Eugene Drake, which was adopted.

Senator Goodman offered Senate Resolution No. 1067, regarding Mr. and Mrs. Tommie Anderson, Branson West, which was adopted.

Senator Lamping offered Senate Resolution No. 1068, regarding Alpha Epsilon Pi at the University of Missouri-Columbia, which was adopted.

PRIVILEGED MOTIONS

Senator Kehoe moved that the Senate refuse to concur in **HCS** for **SB 250**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SB 220**, as amended. Representatives: Diehl, Elmer, Korman, Kelly (24) and Carlson.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SB 59**, as amended. Representatives: Diehl, Cox, Jones (117), McManus and Kelly (24).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SB 322**, as amended. Representatives: Silvey, Stream, Flanigan, Kelly (24) and Carter.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SB 61**, as amended. Representatives: Diehl, Cox, Richardson, Nasheed and Hubbard.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SS** for **SB 226**, as amended. Representatives: Franz, Bernskoetter, Hough, Sifton and Schupp.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker

has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SB 145**, as amended. Representatives: Gatschenberger, Schneider, Diehl, Hummel and McManus.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 270**, entitled:

An Act to repeal sections 28.190, 29.280, 30.060, 30.070, 30.080, 54.330, 105.030, 105.040, 105.050, 115.123, 115.241, and 115.293, RSMo, and to enact in lieu thereof thirteen new sections relating to elections.

With House Amendment Nos. 1, 2, 3, 4, 5 and 6.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 270, Section 115.123, Pages 4 and 5 by removing all of said Section from the bill and inserting in lieu thereof the following:

“115.123. 1. All public elections shall be held on Tuesday. Except as provided in subsections 2[, 3,] and [4] **3** of this section, and section 247.180, all public elections shall be held on the general election day, the primary election day, the general municipal election day, the first Tuesday after the first Monday in February or November, or on another day expressly provided by city or county charter, [the first Tuesday after the first Monday in June] and in nonprimary years on the first Tuesday after the first Monday in August.

2. Notwithstanding the provisions of subsection 1 of this section, an election for a presidential primary held pursuant to sections [115.755] **115.758** to 115.785 shall be held on the first Tuesday after the first Monday in March of each presidential election year.

3. The following elections shall be exempt from the provisions of subsection 1 of this section:

- (1) Bond elections necessitated by fire, vandalism or natural disaster;
- (2) Elections for which ownership of real property is required by law for voting; and
- (3) Special elections to fill vacancies and to decide tie votes or election contests.

4. No city or county shall adopt a charter or charter amendment which calls for elections to be held on dates other than those established in subsection 1 of this section.

5. Nothing in this section prohibits a charter city or county from having its primary election in March if the charter provided for a March primary before August 28, 1999.

6. Nothing in this section shall prohibit elections held pursuant to section 65.600, but no other issues shall be on the March ballot except pursuant to this chapter.”; and

Further amend said bill, Page 8, Section 115.241 (repealed), Line 2 by inserting after all of said Section and Line the following:

“[115.755. A statewide presidential preference primary shall be held on the first Tuesday after the first Monday in February of each presidential election year.]”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 270, Page 5, Section 115.293, Line 11, by inserting after all of said section and line the following:

“181.060. 1. The general assembly may appropriate moneys for state aid to public libraries, which moneys shall be administered by the state librarian, and distributed as specified in rules and regulations promulgated by the Missouri state library, and approved by the secretary of state.

2. At least fifty percent of the moneys appropriated for state aid to public libraries shall be apportioned to all public libraries established and maintained under the provisions of the library laws or other laws of the state relating to libraries. The allocation of the moneys shall be based on an equal per capita rate for the population of each city, village, town, township, urban public library district, county or consolidated library district in which any library is or may be established, in proportion to the population according to the latest federal census of the cities, villages, towns, townships, school districts, county or regional library districts maintaining public libraries primarily supported by public funds which are designed to serve the general public. No grant shall be made to any public library which is tax supported if the rate of tax levied or the appropriation for the library should be decreased below the rate in force on December 31, 1946, or on the date of its establishment. Grants shall be made to any public library if a public library tax of at least ten cents per one hundred dollars assessed valuation has been voted in accordance with sections 182.010 to 182.460 or as authorized in section 137.030 and is duly assessed and levied for the year preceding that in which the grant is made, or if the appropriation for the public library in any city of first class yields one dollar or more per capita for the previous year according to the population of the latest federal census or if the amount provided by the city for the public library, in any other city in which the library is not supported by a library tax, is at least equal to the amount of revenue which would be realized by a tax of ten cents per one hundred dollars assessed valuation if the library had been tax supported. Except that, no grant under this section shall be affected because of a reduction in the rate of levy which is required by the provisions of section 137.073, **or because of a voluntary reduction in the levy following the enactment of a district sales tax under section 182.802, if the proceeds from the sales tax equal or exceed the reduction in revenue from the levy.**

3. The librarian of the library together with the treasurer of the library or the treasurer of the city if there is no library treasurer shall certify to the state librarian the annual tax income and rate of tax or the appropriation for the library on the date of the enactment of this law, and of the current year, and each year thereafter, and the state librarian shall certify to the commissioner of administration the amount to be paid to each library.

4. The balance of the moneys shall be administered and supervised by the state librarian who may provide grants to public libraries for:

(1) Establishment, on a population basis to newly established city, county city/county or consolidated libraries;

(2) Equalization to city/county[.], urban public, county or consolidated libraries;

(3) Reciprocal borrowing;

(4) Technological development;

(5) Interlibrary cooperation;

(6) Literacy programs; and

(7) Other library projects or programs that may be determined by the local library, library advisory committee and the state library staff that would improve access to library services by the residents of this state. Newly established libraries shall certify through the legally established board or the governing body of the city supporting the library and the librarian of the library to the state librarian the fact of establishment, the rate of tax, the assessed valuation of the library district and the annual tax yield of the library. The state librarian shall then certify to the commissioner of administration the amount of establishment grant to be paid to the libraries and warrants shall be issued for the amount allocated and approved. The sum appropriated for state aid to public libraries shall be separate and apart from any and all appropriations made to the state library.

182.802. 1. As used in this section, the following terms mean:

(1) “Public library district”, any city library district, county library district, city-county library district, municipal library district, consolidated library district, or urban library district;

(2) “Qualified voters” or “voters”, any individuals residing within the public library district who are eligible to be registered voters and who have registered to vote under chapter 115, or, if no individuals are eligible and registered to vote reside within the proposed district, all of the owners of real property located within the proposed district who have unanimously petitioned for or consented to the adoption of an ordinance by the governing body imposing a tax authorized in this section. If the owner of the property within the proposed district is a political subdivision or corporation of the state, the governing body of such political subdivision or corporation shall be considered the owner for purposes of this section.

2. The board of directors of any public library district located at least partially within the following counties may impose a tax as provided in this section:

(1) Any county of the third classification without a township form of government and with more than forty thousand eight hundred but fewer than forty thousand nine hundred inhabitants;

(2) Any county of the third classification without a township form of government and with more than thirteen thousand five hundred but fewer than thirteen thousand six hundred inhabitants;

(3) Any county of the third classification without a township form of government and with more than thirteen thousand two hundred but fewer than thirteen thousand three hundred inhabitants;

(4) Any county of the third classification with a township form of government and with more than twenty-nine thousand seven hundred but fewer than twenty-nine thousand eight hundred inhabitants;

(5) Any county of the third classification with more than nineteen thousand seven hundred but fewer than nineteen thousand eight hundred inhabitants;

(6) Any county of the third classification with a township form of government and with more than thirty-three thousand one hundred but fewer than thirty-three thousand two hundred inhabitants;
or

(7) Any county of the third classification without a township form of government and with more than twenty thousand but fewer than twenty thousand one hundred inhabitants.

3. The board of directors of any public library district described in subsection 1 of this section

may, upon a majority vote of the board, impose a sales tax on all retail sales made within the district which are subject to sales tax under chapter 144. The tax authorized in this section shall not exceed one-half of one cent, and shall be imposed solely for the purpose of funding the operation and maintenance of public libraries within the boundaries of the district. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

4. No sales tax imposed under this section shall become effective unless the board of directors of the district submits to the voters within the district at a county or state general, primary, or special election a proposal to authorize the board of directors of the district to impose a tax under this section. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the calendar quarter immediately following the adoption of the sales tax. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

5. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under this section.

6. The board of directors of any district that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the district. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

7. If the tax is repealed or terminated by any means, all remaining revenues generated from the sales tax shall continue to be used solely for the designated purposes, and the board of directors shall retain for a period of one year two percent of the amount collected after the repeal or termination to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 270, Page 5, Section 115.293, Line 11, by inserting after all of said line the following:

“130.021. 1. Every committee shall have a treasurer who, except as provided in subsection 10 of this section, shall be a resident of this state. A committee may also have a deputy treasurer who, except as provided in subsection 10 of this section, shall be a resident of this state and serve in the capacity of committee treasurer in the event the committee treasurer is unable for any reason to perform the treasurer’s duties.

2. Every candidate for offices listed in subsection 1 of section 130.016 who has not filed a statement of exemption pursuant to that subsection and every candidate for offices listed in subsection 6 of section

130.016 who is not excluded from filing a statement of organization and disclosure reports pursuant to subsection 6 of section 130.016 shall form a candidate committee and appoint a treasurer. Thereafter, all contributions on hand and all further contributions received by such candidate and any of the candidate's own funds to be used in support of the person's candidacy shall be deposited in a candidate committee depository account established pursuant to the provisions of subsection 4 of this section, and all expenditures shall be made through the candidate, treasurer or deputy treasurer of the person's candidate committee. Nothing in this chapter shall prevent a candidate from appointing himself or herself as a committee of one and serving as the person's own treasurer, maintaining the candidate's own records and filing all the reports and statements required to be filed by the treasurer of a candidate committee.

3. A candidate who has more than one candidate committee supporting the person's candidacy shall designate one of those candidate committees as the committee responsible for consolidating the aggregate contributions to all such committees under the candidate's control and direction as required by section 130.041. No person shall form a new committee or serve as a deputy treasurer of any committee as defined in section 130.011 until the person or the treasurer of any committee previously formed by the person or where the person served as treasurer or deputy treasurer has filed all required campaign disclosure reports and statements of limited activity for all prior elections and paid outstanding previously imposed fees assessed against that person by the ethics commission.

4. (1) Every committee shall have a single official fund depository within this state which shall be a federally or state-chartered bank, a federally or state-chartered savings and loan association, or a federally or state-chartered credit union in which the committee shall open and thereafter maintain at least one official depository account in its own name. An "official depository account" shall be a checking account or some type of negotiable draft or negotiable order of withdrawal account, and the official fund depository shall, regarding an official depository account, be a type of financial institution which provides a record of deposits, canceled checks or other canceled instruments of withdrawal evidencing each transaction by maintaining copies within this state of such instruments and other transactions. All contributions which the committee receives in money, checks and other negotiable instruments shall be deposited in a committee's official depository account. Contributions shall not be accepted and expenditures shall not be made by a committee except by or through an official depository account and the committee treasurer, deputy treasurer or candidate. Contributions received by a committee shall not be commingled with any funds of an agent of the committee, a candidate or any other person, except that contributions from a candidate of the candidate's own funds to the person's candidate committee shall be deposited to an official depository account of the person's candidate committee. No expenditure shall be made by a committee when the office of committee treasurer is vacant except that when the office of a candidate committee treasurer is vacant, the candidate shall be the treasurer until the candidate appoints a new treasurer.

(2) A committee treasurer, deputy treasurer or candidate may withdraw funds from a committee's official depository account and deposit such funds in one or more savings accounts in the committee's name in any bank, savings and loan association or credit union within this state, and may also withdraw funds from an official depository account for investment in the committee's name in any certificate of deposit, bond or security. Proceeds from interest or dividends from a savings account or other investment or proceeds from withdrawals from a savings account or from the sale of an investment shall not be expended or reinvested, except in the case of renewals of certificates of deposit, without first redepositing such proceeds in an official depository account. Investments, other than savings accounts, held outside the committee's official depository account at any time during a reporting period shall be disclosed by

description, amount, any identifying numbers and the name and address of any institution or person in which or through which it is held in an attachment to disclosure reports the committee is required to file. Proceeds from an investment such as interest or dividends or proceeds from its sale, shall be reported by date and amount. In the case of the sale of an investment, the names and addresses of the persons involved in the transaction shall also be stated. Funds held in savings accounts and investments, including interest earned, shall be included in the report of money on hand as required by section 130.041.

5. The treasurer or deputy treasurer acting on behalf of any person or organization or group of persons which is a committee by virtue of the definitions of committee in section 130.011 and any candidate who is not excluded from forming a committee in accordance with the provisions of section 130.016 shall file a statement of organization with the appropriate officer within twenty days after the person or organization becomes a committee but no later than the date for filing the first report required pursuant to the provisions of section 130.046. The statement of organization shall contain the following information:

(1) The name, mailing address and telephone number, if any, of the committee filing the statement of organization. If the committee is deemed to be affiliated with a connected organization as provided in subdivision (10) of section 130.011, the name of the connected organization, or a legally registered fictitious name which reasonably identifies the connected organization, shall appear in the name of the committee. If the committee is a candidate committee, the name of the candidate shall be a part of the committee's name;

(2) The name, mailing address and telephone number of the candidate;

(3) The name, mailing address and telephone number of the committee treasurer, and the name, mailing address and telephone number of its deputy treasurer if the committee has named a deputy treasurer;

(4) The names, mailing addresses and titles of its officers, if any;

(5) The name and mailing address of any connected organizations with which the committee is affiliated;

(6) The name and mailing address of its depository, and the name and account number of each account the committee has in the depository. The account number of each account shall be redacted prior to disclosing the statement to the public;

(7) Identification of the major nature of the committee such as a candidate committee, campaign committee, political action committee, political party committee, incumbent committee, or any other committee according to the definition of committee in section 130.011;

(8) In the case of the candidate committee designated in subsection 3 of this section, the full name and address of each other candidate committee which is under the control and direction of the same candidate, together with the name, address and telephone number of the treasurer of each such other committee;

(9) The name and office sought of each candidate supported or opposed by the committee;

(10) The ballot measure concerned, if any, and whether the committee is in favor of or opposed to such measure.

6. A committee may omit the information required in subdivisions (9) and (10) of subsection 5 of this section if, on the date on which it is required to file a statement of organization, the committee has not yet determined the particular candidates or particular ballot measures it will support or oppose.

7. A committee which has filed a statement of organization and has not terminated shall not be required to file another statement of organization, except that when there is a change in any of the information previously reported as required by subdivisions (1) to (8) of subsection 5 of this section an amended statement of organization shall be filed within twenty days after the change occurs, but no later than the date of the filing of the next report required to be filed by that committee by section 130.046.

8. Upon termination of a committee, a termination statement indicating dissolution shall be filed not later than ten days after the date of dissolution with the appropriate officer or officers with whom the committee's statement of organization was filed. The termination statement shall include: the distribution made of any remaining surplus funds and the disposition of any deficits; and the name, mailing address and telephone number of the individual responsible for preserving the committee's records and accounts as required in section 130.036.

9. Any statement required by this section shall be signed and attested by the committee treasurer or deputy treasurer, and by the candidate in the case of a candidate committee.

10. A committee domiciled outside this state shall **not** be required to file a statement of organization and appoint a treasurer residing in this state and open an account in a depository within this state[]; provided that either of the following conditions prevails:

(1) The aggregate of all contributions received from persons domiciled in this state exceeds twenty percent in total dollar amount of all funds received by the committee in the preceding twelve months; or

(2) The aggregate of all contributions and expenditures made to support or oppose candidates and ballot measures in this state exceeds one thousand five hundred dollars in the current calendar year].

11. If a committee domiciled in this state receives a contribution of one thousand five hundred dollars or more from any committee domiciled outside of this state, the committee domiciled in this state shall file a disclosure report with the commission. The report shall disclose the full name, mailing address, telephone numbers and domicile of the contributing committee and the date and amount of the contribution. The report shall be filed within forty-eight hours of the receipt of such contribution if the contribution is received after the last reporting date before the election.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 270, Page 8, Section 190.056, Line 88, by inserting after all of said section and line, the following:

“Section 1. Notwithstanding the provisions of sections 77.230 and 78.440, any individual who is twenty four years of age or older shall be eligible to serve as mayor in a city of the third classification with a form of government organized under sections 78.430 to 78.640.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 270, Page 1, Section A, Line 4 by inserting after said line the following:

“11.010. The official manual, commonly known as the “Blue Book”, compiled and electronically published by the secretary of state on its official website is the official manual of this state, and it is

unlawful for any officer or employee of this state **except the secretary of state**, or any board, or department or any officer or employee thereof, to cause to be printed, at state expense, any duplication or rearrangement of any part of the manual. It is also unlawful for the secretary of state to publish, or permit to be published in the manual any duplication, or rearrangement of any part of any report, or other document, required to be printed at the expense of the state which has been submitted to and rejected by him or her as not suitable for publication in the manual.

11.025. Notwithstanding any other provision of law, the secretary of state may enter into an agreement directly with a nonprofit organization for such nonprofit organization to print and distribute copies of the official manual. The secretary of state shall provide to the organization the electronic version of the official manual prepared and published under this chapter. The nonprofit organization shall not alter, add, or delete any information provided by the secretary of state. Information published about the organization in the official manual shall be limited to the name of the organization and its contact information. The official manual shall not contain advertising or information promoting any entity or individual. The organization shall charge a fee for a copy of the official manual to cover the cost of production and distribution. The nonprofit organization shall be subject to an independent audit, ordered by the state and paid for by the nonprofit organization, to account for income and expenses for the sale, production, and distribution of the official manual. After such audit, any surplus funds generated by the nonprofit organization through the sale of the manual shall be transferred to the state treasurer for deposit in the state's general revenue fund.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 270, Page 4, Section 105.050, Line 8, by inserting after all of said section and line, the following:

“115.043. Each election authority may make all rules and regulations, not inconsistent with statutory provisions, necessary for the registration of voters and the conduct of elections. Such rules and regulations may include a procedure by which an election authority may provide each registered voter residing within the election authority’s jurisdiction the option of providing the voter’s email address to the election authority to use for providing information to voters in conjunction with the conduct of elections. Providing information to a voter’s email address by an election authority shall not be construed to fulfill the election authority’s responsibility to provide notice or other election communications to any voter as required by state law.”; and

Further amend said bill, Page 5, Section 115.123, Line 20, by inserting after all of said section and line, the following:

“115.155. 1. The election authority shall provide for the registration of each voter. Each application shall be in substantially the following form: APPLICATION FOR REGISTRATION Are you a citizen of the United States?

☐ YES

☐ NO

Will you be 18 years of age on or before election day?

☐ YES

☐ NO

IF YOU CHECKED "NO" IN RESPONSE TO EITHER OF THESE QUESTIONS, DO NOT COMPLETE THIS FORM.

IF YOU ARE SUBMITTING THIS FORM BY MAIL AND ARE REGISTERING FOR THE FIRST TIME, PLEASE SUBMIT A COPY OF A CURRENT, VALID PHOTO IDENTIFICATION. IF YOU DO NOT SUBMIT SUCH INFORMATION, YOU WILL BE REQUIRED TO PRESENT ADDITIONAL IDENTIFICATION UPON VOTING FOR THE FIRST TIME SUCH AS A BIRTH CERTIFICATE, A NATIVE AMERICAN TRIBAL DOCUMENT, OTHER PROOF OF UNITED STATES CITIZENSHIP, A VALID MISSOURI DRIVERS LICENSE OR OTHER FORM OF PERSONAL IDENTIFICATION.

.....
	Township (or Ward)
.....
Name	Precinct
.....
Home Address	Required Personal Identification Information
.....	
City ZIP	
.....
Date of Birth	Place of Birth (Optional)
.....
Telephone Number (Optional)	Mother's Maiden Name (Optional)
.....
Occupation (Optional)	Last Place Previously Registered
.....
Last four digits of Social Security Number (Required for registration unless no Social Security number exists for Applicant)	Under What Name
Remarks:	

	When

I am a citizen of the United States and a resident of the state of Missouri. I have not been adjudged incapacitated by any court of law. If I have been convicted of a felony or of a misdemeanor connected with

the right of suffrage, I have had the voting disabilities resulting from such conviction removed pursuant to law. I do solemnly swear that all statements made on this card are true to the best of my knowledge and belief. I UNDERSTAND THAT IF I REGISTER TO VOTE KNOWING THAT I AM NOT LEGALLY ENTITLED TO REGISTER, I AM COMMITTING A CLASS ONE ELECTION OFFENSE AND MAY BE PUNISHED BY IMPRISONMENT OF NOT MORE THAN FIVE YEARS OR BY A FINE OF BETWEEN TWO THOUSAND FIVE HUNDRED DOLLARS AND TEN THOUSAND DOLLARS OR BY BOTH SUCH IMPRISONMENT AND FINE.

.....

Signature of Voter

.....

Date

.....

Signature of Election Official

2. After supplying all information necessary for the registration records, each applicant who appears in person before the election authority shall swear or affirm the statements on the registration application by signing his or her full name, witnessed by the signature of the election authority or such authority's deputy registration official. Each applicant who applies to register by mail pursuant to section 115.159, or pursuant to section 115.160 or 115.162, shall attest to the statements on the application by his or her signature.

3. Upon receipt by mail of a completed and signed voter registration application, a voter registration application forwarded by the division of motor vehicle and drivers licensing of the department of revenue pursuant to section 115.160, or a voter registration agency pursuant to section 115.162, the election authority shall, if satisfied that the applicant is entitled to register, transfer all data necessary for the registration records from the application to its registration system. Within seven business days after receiving the application, the election authority shall send the applicant a verification notice. If such notice is returned as undeliverable by the postal service within the time established by the election authority, the election authority shall not place the applicant's name on the voter registration file.

4. If, upon receipt by mail of a voter registration application or a voter registration application forwarded pursuant to section 115.160 or 115.162, the election authority determines that the applicant is not entitled to register, such authority shall, within seven business days after receiving the application, so notify the applicant by mail and state the reason such authority has determined the applicant is not qualified. The applicant may have such determination reviewed pursuant to the provisions of section 115.223. If an applicant for voter registration fails to answer the question on the application concerning United States citizenship, the election authority shall notify the applicant of the failure and provide the applicant with an opportunity to complete the form in a timely manner to allow for the completion of the registration form before the next election.

5. It shall be the responsibility of the secretary of state to prescribe specifications for voter registration documents so that they are uniform throughout the state of Missouri and comply with the National Voter Registration Act of 1993, including the reporting requirements, and so that registrations, name changes and transfers of registrations within the state may take place as allowed by law.

6. All voter registration applications shall be preserved in the office of the election authority.

7. Each election authority may provide each applicant for voter registration with the option of providing the applicant's email address with the applicant's voter registration form.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 284**, entitled:

An Act to repeal sections 144.030, 338.055, and 338.330, RSMo, and to enact in lieu thereof three new sections relating to pharmacy, with an emergency clause for a certain section.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 284, Section 338.330, Page 13, Line 38, by inserting after all of said section and line the following:

“376.1257. 1. Any health benefit plan that provides coverage and benefits for cancer chemotherapy treatment shall not require a higher co-payment, deductible, or coinsurance amount for a prescribed orally administered anticancer medication that is used to kill or slow the growth of cancerous cells than what the plan requires for an intravenously administered or injected cancer medication that is provided, regardless of formulation or benefit category determination by the health carrier administering the health benefit plan.

2. A health carrier shall not achieve compliance with the provisions of this section by imposing an increase in co-payment, deductible, or coinsurance amount for an intravenously administered or injected cancer chemotherapy agent covered under the health benefit plan.

3. Nothing in this section shall be interpreted to prohibit a health carrier from requiring prior authorization or imposing other appropriate utilization controls in approving coverage for any chemotherapy.

4. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months or less duration, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

5. As used in this section, the terms “health benefit plan” and “health carrier” shall have the same meanings ascribed to such terms in section 376.1350.

6. Coverage under this section shall be limited to Federal Drug Administration approved indications and National Comprehensive Cancer Network recommendations.

7. Coverage under this section may be administered by a specialty pharmacy network.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for HB 999—Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 732—Financial and Governmental Organizations and Elections.

HCS for HBs 504, 505 and 874—Judiciary and Civil and Criminal Jurisprudence.

HB 658—Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 707—Jobs, Economic Development and Local Government.

HB 138—General Laws.

Senator Stouffer assumed the Chair.

PRIVILEGED MOTIONS

Senator Brown moved that the Senate refuse to concur in **HCS for SCS for SB 29**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HJR 2, introduced by Representative McGhee, et al, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 5 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the right to pray.

Was called from the Informal Calendar and taken up by Senator Goodman.

On motion of Senator Goodman, **HJR 2** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None**Absent—Senators—None****Absent with leave—Senators—None****Vacancies—None**

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HCS for HB 412, with **SCS**, entitled:

An Act to repeal section 338.330, RSMo, and to enact in lieu thereof one new section relating to wholesale drug distributors.

Was taken up by Senator Wasson.

SCS for HCS for HB 412, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 412

An Act to repeal sections 338.055 and 338.330, RSMo, and to enact in lieu thereof two new sections relating to the authority of the board of pharmacy, with an emergency clause for a certain section.

Was taken up.

Senator Wasson moved that **SCS for HCS for HB 412** be adopted.

Senator Brown offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 412, Page 1, Section A, Line 3, by inserting immediately after said line the following:

“338.010. 1. The “practice of pharmacy” means the interpretation, implementation, and evaluation of medical prescription orders, including **any legend drugs under 21 U.S.C. Section 353**; receipt, transmission, or handling of such orders or facilitating the dispensing of such orders; the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by the prescription order so long as the prescription order is specific to each patient for care by a pharmacist; the compounding, dispensing, labeling, and administration of drugs and devices pursuant to medical prescription orders and administration of viral influenza, pneumonia, shingles and meningitis vaccines by written protocol authorized by a physician for persons twelve years of age or older as authorized by rule or the administration of pneumonia, shingles, and meningitis vaccines by written protocol authorized by a physician for a specific patient as authorized by rule; the participation in drug selection according to state law and participation in drug utilization reviews; the proper and safe storage of drugs and devices and the maintenance of proper records thereof; consultation with patients and other health care practitioners, **and veterinarians and their clients about legend drugs**, about the safe and effective use of drugs and devices; and the offering or performing of those acts, services, operations, or transactions necessary in the conduct, operation, management and control of a pharmacy. No person shall engage in the practice of pharmacy unless he is licensed under the provisions of this chapter. This chapter shall not be construed to prohibit the use of auxiliary personnel under the direct supervision of a pharmacist from assisting the pharmacist in any of his **or her** duties. This assistance in no way is intended to relieve the pharmacist from his **or her** responsibilities for compliance with this chapter and he **or she** will be responsible for the actions of the auxiliary personnel acting in his **or her** assistance. This chapter shall also not be construed to prohibit or interfere with any legally registered practitioner of medicine, dentistry, **or** podiatry, or veterinary medicine **only for use in animals**, or the practice of optometry in accordance with and as provided in sections 195.070 and 336.220 in the compounding, **administering, prescribing**, or dispensing of his **or her** own prescriptions.

2. Any pharmacist who accepts a prescription order for a medication therapeutic plan shall have a written protocol from the physician who refers the patient for medication therapy services. The written protocol and the prescription order for a medication therapeutic plan shall come from the physician only, and shall not come from a nurse engaged in a collaborative practice arrangement under section 334.104, or from a physician assistant engaged in a supervision agreement under section 334.735.

3. Nothing in this section shall be construed as to prevent any person, firm or corporation from owning a pharmacy regulated by sections 338.210 to 338.315, provided that a licensed pharmacist is in charge of such pharmacy.

4. Nothing in this section shall be construed to apply to or interfere with the sale of nonprescription drugs and the ordinary household remedies and such drugs or medicines as are normally sold by those engaged in the sale of general merchandise.

5. No health carrier as defined in chapter 376 shall require any physician with which they contract to enter into a written protocol with a pharmacist for medication therapeutic services.

6. This section shall not be construed to allow a pharmacist to diagnose or independently prescribe pharmaceuticals.

7. The state board of registration for the healing arts, under section 334.125, and the state board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Such rules shall require protocols to include provisions allowing for timely communication between the pharmacist and the referring physician, and any other patient protection provisions deemed appropriate by both boards. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither board shall separately promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

8. The state board of pharmacy may grant a certificate of medication therapeutic plan authority to a licensed pharmacist who submits proof of successful completion of a board-approved course of academic clinical study beyond a bachelor of science in pharmacy, including but not limited to clinical assessment skills, from a nationally accredited college or university, or a certification of equivalence issued by a nationally recognized professional organization and approved by the board of pharmacy.

9. Any pharmacist who has received a certificate of medication therapeutic plan authority may engage in the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by a prescription order from a physician that is specific to each patient for care by a pharmacist.

10. Nothing in this section shall be construed to allow a pharmacist to make a therapeutic substitution of a pharmaceutical prescribed by a physician unless authorized by the written protocol or the physician's prescription order.”; and

Further amend said bill, page 4, section 338.055, line 115, by inserting immediately after said line the

following:

“338.140. 1. The board of pharmacy shall have a common seal, and shall have power to adopt such rules and bylaws not inconsistent with law as may be necessary for the regulation of its proceedings and for the discharge of the duties imposed pursuant to sections 338.010 to 338.198, and shall have power to employ an attorney to conduct prosecutions or to assist in the conduct of prosecutions pursuant to sections 338.010 to 338.198.

2. The board shall keep a record of its proceedings.

3. The board of pharmacy shall make annually to the governor and, upon written request, to persons licensed pursuant to the provisions of this chapter a written report of its proceedings.

4. The board of pharmacy shall appoint an advisory committee composed of [five] **six** members, one of whom shall be a representative of pharmacy but who shall not be a member of the pharmacy board, three of whom shall be representatives of wholesale drug distributors as defined in section 338.330, [and] one of whom shall be a representative of drug manufacturers, **and one of whom shall be a licensed veterinarian recommended to the board of pharmacy by the board of veterinary medicine**. The committee shall review and make recommendations to the board on the merit of all rules and regulations dealing with pharmacy distributors, wholesale drug distributors [and], drug manufacturers, **and veterinary legend drugs** which are proposed by the board.

5. A majority of the board shall constitute a quorum for the transaction of business.

6. Notwithstanding any other provisions of law to the contrary, the board may issue letters of reprimand, censure or warning to any holder of a license or registration required pursuant to this chapter for any violations that could result in disciplinary action as defined in section 338.055.

338.150. Any person authorized by the board of pharmacy is hereby given the right of entry and inspection upon all open premises purporting or appearing to be drug or chemical stores, apothecary shops, pharmacies or places of business for exposing for sale, or the dispensing or selling of drugs, pharmaceuticals, medicines, chemicals or poisons or for the compounding of physicians' **or veterinarians'** prescriptions.

338.210. 1. Pharmacy refers to any location where the practice of pharmacy occurs or such activities are offered or provided by a pharmacist or another acting under the supervision and authority of a pharmacist, including every premises or other place:

(1) Where the practice of pharmacy is offered or conducted;

(2) Where drugs, chemicals, medicines, **any legend drugs under 21 U.S.C. Section 353**, prescriptions, or poisons are compounded, prepared, dispensed or sold or offered for sale at retail;

(3) Where the words “pharmacist”, “apothecary”, “drugstore”, “drugs”, and any other symbols, words or phrases of similar meaning or understanding are used in any form to advertise retail products or services;

(4) Where patient records or other information is maintained for the purpose of engaging or offering to engage in the practice of pharmacy or to comply with any relevant laws regulating the acquisition, possession, handling, transfer, sale or destruction of drugs, chemicals, medicines, prescriptions or poisons.

2. All activity or conduct involving the practice of pharmacy as it relates to an identifiable prescription or drug order shall occur at the pharmacy location where such identifiable prescription or drug order is first

presented by the patient or the patient's authorized agent for preparation or dispensing, unless otherwise expressly authorized by the board.

3. The requirements set forth in subsection 2 of this section shall not be construed to bar the complete transfer of an identifiable prescription or drug order pursuant to a verbal request by or the written consent of the patient or the patient's authorized agent.

4. The board is hereby authorized to enact rules waiving the requirements of subsection 2 of this section and establishing such terms and conditions as it deems necessary, whereby any activities related to the preparation, dispensing or recording of an identifiable prescription or drug order may be shared between separately licensed facilities.

5. If a violation of this chapter or other relevant law occurs in connection with or adjunct to the preparation or dispensing of a prescription or drug order, any permit holder or pharmacist-in-charge at any facility participating in the preparation, dispensing, or distribution of a prescription or drug order may be deemed liable for such violation.

6. Nothing in this section shall be construed to supersede the provisions of section 197.100.

338.220. 1. It shall be unlawful for any person, copartnership, association, corporation or any other business entity to open, establish, operate, or maintain any pharmacy as defined by statute without first obtaining a permit or license to do so from the Missouri board of pharmacy. A permit shall not be required for an individual licensed pharmacist to perform nondispensing activities outside of a pharmacy, as provided by the rules of the board. A permit shall not be required for an individual licensed pharmacist to administer drugs, vaccines, and biologicals by protocol, as permitted by law, outside of a pharmacy. The following classes of pharmacy permits or licenses are hereby established:

- (1) Class A: Community/ambulatory;
- (2) Class B: Hospital outpatient pharmacy;
- (3) Class C: Long-term care;
- (4) Class D: Nonsterile compounding;
- (5) Class E: Radio pharmaceutical;
- (6) Class F: Renal dialysis;
- (7) Class G: Medical gas;
- (8) Class H: Sterile product compounding;
- (9) Class I: Consultant services;
- (10) Class J: Shared service;
- (11) Class K: Internet;
- (12) Class L: Veterinary.

2. Application for such permit or license shall be made upon a form furnished to the applicant; shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration; and shall be accompanied by a permit or license fee. The permit or license issued

shall be renewable upon payment of a renewal fee. Separate applications shall be made and separate permits or licenses required for each pharmacy opened, established, operated, or maintained by the same owner.

3. All permits, licenses or renewal fees collected pursuant to the provisions of sections 338.210 to 338.370 shall be deposited in the state treasury to the credit of the Missouri board of pharmacy fund, to be used by the Missouri board of pharmacy in the enforcement of the provisions of sections 338.210 to 338.370, when appropriated for that purpose by the general assembly.

4. Class L: veterinary permit shall not be construed to prohibit or interfere with any legally registered practitioner of veterinary medicine in the compounding, **administering, prescribing,** or dispensing of their own prescriptions, **medicine, drug, or pharmaceutical product to be used for animals.**

5. [Notwithstanding any other law to the contrary] **Except for any legend drugs under 21 U.S.C. Section 353,** the provisions of this section shall not apply to the sale, dispensing, or filling of a pharmaceutical product or drug used for treating animals.

338.240. **1.** Upon evidence satisfactory to the said Missouri board of pharmacy:

(1) That the pharmacy for which a permit, or renewal thereof, is sought, will be conducted in full compliance with sections 338.210 to 338.300, with existing laws, and with the rules and regulations as established hereunder by said board;

(2) That the equipment and facilities of such pharmacy are such that it can be operated in a manner not to endanger the public health or safety;

(3) That such pharmacy is equipped with proper pharmaceutical and sanitary appliances and kept in a clean, sanitary and orderly manner;

(4) That the management of said pharmacy is under the supervision of either a registered pharmacist, or an owner or employee of the owner, who has at his **or her** place of business a registered pharmacist employed for the purpose of compounding physician's **or veterinarian's** prescriptions in the event any such prescriptions are compounded or sold;

(5) That said pharmacy is operated in compliance with the rules and regulations legally prescribed with respect thereto by the Missouri board of pharmacy, a permit or renewal thereof shall be issued to such persons as the said board of pharmacy shall deem qualified to conduct such pharmacy.

2. In lieu of a registered pharmacist as required by subdivision (4) of subsection 1 of this section, a pharmacy permit holder that only holds a class L veterinary permit and no other pharmacy permit, may designate a supervising registered pharmacist who shall be responsible for reviewing the activities and records of the class L pharmacy permit holder as established by the board by rule. The supervising registered pharmacist shall not be required to be physically present on site during the business operations of a class L pharmacy permit holder identified in subdivision (5) of subsection 1 of this section when noncontrolled legend drugs under 21 U.S.C. Section 353 are being dispensed for use in animals, but shall be specifically present on site when any noncontrolled drugs for use in animals are being compounded.”; and

Further amend the title and enacting clause accordingly.

Senator Brown moved that the above amendment be adopted, which motion prevailed.

Senator Crowell offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 412, Page 1, In the Title, Line 3, by striking the words “the authority of the board of”; and

Further amend said bill and page, section A, line 3 by inserting after all of said line the following:

“208.798. [1. The provisions of sections 208.550 to 208.568 shall terminate following notice to the revisor of statutes by the Missouri RX plan advisory commission that the Medicare Prescription Drug, Improvement and Modernization Act of 2003 has been fully implemented.

2. Pursuant to section 23.253 of the Missouri sunset act, the provisions of the new program authorized under sections 208.780 to 208.798 shall automatically sunset August 28, 2011, unless reauthorized by an act of the general assembly] **The provisions of sections 208.780 to 208.798 shall terminate on August 28, 2014.**”; and

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Wasson moved that **SCS** for **HCS** for **HB 412**, as amended, be adopted, which motion prevailed.

Senator Wasson moved that **SCS** for **HCS** for **HB 412**, as amended, be read the 3rd time and passed and was recognized to close.

President Pro Tem Mayer referred **SCS** for **HCS** for **HB 412**, as amended, to the Committee on Ways and Means and Fiscal Oversight.

HCS for **HB 407**, entitled:

An Act to amend chapter 379, RSMo, by adding thereto one new section relating to certificates of insurance for property and casualty insurance coverage.

Was taken up by Senator Parson.

On motion of Senator Parson, **HCS** for **HB 407** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Engler—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Parson, title to the bill was agreed to.

Senator Parson moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HCS for **HB 265**, with **SCS**, entitled:

An Act to amend chapter 324, RSMo, by adding thereto one new section relating to professional registration.

Was taken up by Senator Wasson.

SCS for **HCS** for **HB 265**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 265

An Act to amend chapter 324, RSMo, by adding thereto one new section relating to notifying employers regarding the licensing status of employees.

Was taken up.

Senator Wasson moved that **SCS** for **HCS** for **HB 265** be adopted.

Senator Wasson offered **SS** for **SCS** for **HCS** for **HB 265**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 265

An Act to repeal sections 333.041, 333.042, 333.051, 333.061, 333.091, 333.151, 333.171, 436.405, 436.412, 436.445, 436.450, 436.455, and 436.456, RSMo, and to enact in lieu thereof fourteen new sections relating to professional registration.

Senator Wasson moved that **SS** for **SCS** for **HCS** for **HB 265** be adopted.

Senator Kehoe assumed the Chair.

Senator Schaaf offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 265, Page 1, In the Title, Line 6 of the title, by striking “**professional registration**” and inserting in lieu thereof the following: “licensure of certain professions”; and

Further amend said bill, page 2, section 324.014, line 7, by inserting after all of said line the following:

“324.043. 1. Except as provided in this section, no disciplinary proceeding against any person or entity licensed, registered, or certified to practice a profession within the division of professional registration shall be initiated unless such action is commenced within three years of the date upon which the licensing, registering, or certifying agency received notice of an alleged violation of an applicable statute or regulation.

2. For the purpose of this section, notice shall be limited to:

(1) A written complaint;

(2) Notice of final disposition of a malpractice claim, including exhaustion of all extraordinary remedies and appeals;

(3) Notice of exhaustion of all extraordinary remedies and appeals of a conviction based upon a criminal statute of this state, any other state, or the federal government;

(4) Notice of exhaustion of all extraordinary remedies and appeals in a disciplinary action by a hospital, state licensing, registering or certifying agency, or an agency of the federal government.

3. For the purposes of this section, an action is commenced when a complaint is filed by the agency with the administrative hearing commission, any other appropriate agency, or in a court; or when a complaint is filed by the agency's legal counsel with the agency in respect to an automatic revocation or a probation violation.

4. Disciplinary proceedings based upon repeated negligence shall be exempt from all limitations set forth in this section.

5. Disciplinary proceedings based upon a complaint involving sexual misconduct shall be exempt from all limitations set forth in this section.

6. Any time limitation provided in this section shall be tolled:

(1) During any time the accused licensee, registrant, or certificant is practicing exclusively outside the state of Missouri or residing outside the state of Missouri and not practicing in Missouri;

(2) As to an individual complainant, during the time when such complainant is less than eighteen years of age;

(3) During any time the accused licensee, registrant, or certificant maintains legal action against the agency; or

(4) When a settlement agreement is offered to the accused licensee, registrant, or certificant, in an attempt to settle such disciplinary matter without formal proceeding pursuant to section 621.045 until the accused licensee, registrant, or certificant rejects or accepts the settlement agreement.

7. The licensing agency may, in its discretion, toll any time limitation when the accused **applicant**, licensee, registrant, or certificant enters into and participates in a treatment program for chemical dependency or mental impairment.

324.045. 1. Notwithstanding any provision of chapter 536, in any proceeding initiated by the division of professional registration or any board, committee, commission, or office within the division of professional registration to determine the appropriate level of discipline or additional discipline, if any, against a licensee of the board, committee, commission, or office within the division, if the licensee against whom the proceeding has been initiated upon a properly pled writing filed to initiate the contested case and upon proper notice fails to plead or otherwise defend against the proceeding, the board, commission, committee, or office within the division shall enter a default decision against the licensee without further proceedings. The terms of the default decision shall not exceed the terms of discipline authorized by law for the division, board, commission, or committee. The division, office, board, commission, or committee shall provide the licensee notice of the default decision in writing.

2. Upon motion stating facts constituting a meritorious defense and for good cause shown, a

default decision may be set aside. The motion shall be made within a reasonable time, not to exceed thirty days after entry of the default decision. “Good cause” includes a mistake or conduct that is not intentionally or recklessly designed to impede the administrative process.”; and

Further amend said bill, page 13, section 333.171, line 19, by inserting after all of said line the following:

“334.001. 1. Notwithstanding any other provision of law to the contrary, the following information is an open record and shall be released upon request of any person and may be published on the board’s website:

(1) The name of a licensee or applicant;

(2) The licensee’s business address;

(3) Registration type;

(4) Currency of the license, certificate, or registration;

(5) Professional schools attended;

(6) Degrees and certifications, including certification by the American Board of Medical Specialties, the American Osteopathic Association, or other certifying agency approved by the board by rule;

(7) To the extent provided to the board after August 28, 2011, discipline by another state or administrative agency;

(8) Limitations on practice placed by a court of competent jurisdiction;

(9) Any final discipline by the board, including the content of the settlement agreement or order issued; and

(10) Whether a discipline case brought by the board is pending in the administrative hearing commission or any court.

2. All other information pertaining to a licensee or applicant not specifically denominated an open record in subsection 1 of this section is a closed record and confidential.

3. The board shall disclose confidential information without charge or fee upon written request of the licensee or applicant if the information is less than five years old. If the information requested is more than five years old, the board may charge a fee equivalent to the fee specified by regulation.

4. At its discretion, the board may disclose confidential information, without the consent of the licensee or applicant, to a licensee or applicant for a license in order to further a board investigation or to facilitate settlement negotiations with the board, in the course of voluntary exchange of information with another state’s licensing authority, pursuant to a court order, or to other administrative or law enforcement agencies acting within the scope of their statutory authority.

5. Information obtained from a federal administrative or law enforcement agency shall be disclosed only after the board has obtained written consent to the disclosure from the federal administrative or law enforcement agency.

6. The board is entitled to the attorney/client privilege and work product privilege to the same extent as any other person.

334.040. 1. Except as provided in section 334.260, all persons desiring to practice as physicians and surgeons in this state shall be examined as to their fitness to engage in such practice by the board. All persons applying for examination shall file a completed application with the board [at least eighty days before the date set for examination upon blanks] **upon forms** furnished by the board.

2. The examination shall be sufficient to test the applicant's fitness to practice as a physician and surgeon. The examination shall be conducted in such a manner as to conceal the identity of the applicant until all examinations have been scored. In all such examinations an average score of not less than seventy-five percent is required to pass; provided, however, that the board may require applicants to take the Federation Licensing Examination, also known as FLEX, or the United States Medical Licensing Examination (USMLE). If the FLEX examination is required, a weighted average score of no less than seventy-five [percent] is required to pass. **Scores from one test administration of the FLEX shall not be combined or averaged with scores from other test administrations to achieve a passing score.** The passing score of the United States Medical Licensing Examination shall be determined by the board through rule and regulation. The board shall not issue a permanent license as a physician and surgeon or allow the Missouri state board examination to be administered to any applicant who has failed to achieve a passing score within three attempts on licensing examinations administered in one or more states or territories of the United States, the District of Columbia or Canada. The steps one, two and three of the United States Medical Licensing Examination shall be taken within a seven-year period with no more than three attempts on any step of the examination; however, the board may grant an extension of the seven-year period if the applicant has obtained a MD/PhD degree in a program accredited by the [liaison committee on medical education] **Liaison Committee on Medical Education (LCME)** and a regional university accrediting body **or a DO/PhD degree accredited by the American Osteopathic Association and a regional university accrediting body.** The board may waive the provisions of this section if the applicant is licensed to practice as a physician and surgeon in another state of the United States, the District of Columbia or Canada and the applicant has achieved a passing score on a licensing examination administered in a state or territory of the United States or the District of Columbia and no license issued to the applicant has been disciplined in any state or territory of the United States or the District of Columbia[. Prior to waiving the provisions of this section, the board may require the applicant to achieve a passing score on one of the following:

- (1) The American Specialty Board's certifying examination in the physician's field of specialization;
- (2) Part II of the FLEX; or

(3) The Federation portion of the State Medical Board's Special Purpose Examination (SPEX)] **and the applicant is certified in the applicant's area of specialty by the American Board of Medical Specialties, the American Osteopathic Association, or other certifying agency approved by the board by rule.**

3. If the board waives the provisions of this section, then the license issued to the applicant may be limited or restricted to the applicant's board specialty. [Scores from one test administration shall not be combined or averaged with scores from other test administrations to achieve a passing score.] The board shall not be permitted to favor any particular school or system of healing.

4. If an applicant has not actively engaged in the practice of clinical medicine or held a teaching or faculty position in a medical or osteopathic school approved by the American Medical Association, the Liaison Committee on Medical Education, or the American Osteopathic Association for any two years in the three year period immediately preceding the filing of his or her application for licensure,

the board may require successful completion of another examination, continuing medical education, or further training before issuing a permanent license. The board shall adopt rules to prescribe the form and manner of such reexamination, continuing medical education, and training.

334.070. 1. Upon due application therefor and upon submission by such person of evidence satisfactory to the board that he **or she** is licensed to practice in this state, and upon the payment of fees required to be paid by this chapter, the board shall issue to [him] **such person** a certificate of registration. The certificate of registration shall contain the name of the person to whom it is issued and his **or her** office address [and residence address], the expiration date, and the date and number of the license to practice.

2. [Every person shall, upon receiving such certificate, cause it to be conspicuously displayed at all times in every office maintained by him in the state. If he maintains more than one office in this state, the board shall without additional fee issue to him duplicate certificates of registration for each office so maintained.] If any registrant shall change the location of his **or her** office during the period for which any certificate of registration has been issued, [he] **the registrant** shall, within fifteen days thereafter, notify the board of such change [and it shall issue to him without additional fee a new registration certificate showing the new location].

334.090. 1. Each applicant for registration under this chapter shall accompany the application for registration with a registration fee to be paid to the [director of revenue] **board**. If the application is filed and the fee paid after the registration renewal date, a delinquent fee shall be paid; but whenever in the opinion of the board the applicant's failure to register is caused by extenuating circumstances including illness of the applicant, as defined by rule and regulation, the delinquent fee may be waived by the board. Whenever any new license is granted to any person under the provisions of this chapter, the board shall, upon application therefor, issue to such licensee a certificate of registration covering a period from the date of the issuance of the license to the next renewal date without the payment of any registration fee.

2. The board shall set the amount of the fees which this chapter authorizes and requires by rules and regulations promulgated pursuant to section 536.021. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering this chapter.

334.099. 1. The board may initiate a contested hearing to determine if reasonable cause exists to believe that a licensee or applicant is unable to practice his or her profession with reasonable skill and safety to the public by reason of medical or osteopathic incompetency, mental or physical incapacity, or due to the excessive use or abuse of alcohol or controlled substances:

(1) The board shall serve notice pursuant to section 536.067 of the contested hearing at least fifteen days prior to the hearing. Such notice shall include a statement of the reasons the board believes there is reasonable cause to believe that a licensee or applicant is unable to practice his or her profession with reasonable skill and safety to the public by reason of medical or osteopathic incompetency, mental, or physical incapacity, or due to the excessive use or abuse of alcohol or controlled substances;

(2) For purposes of this section and prior to any contested hearing, the board may, notwithstanding any other law limiting access to medical or other health data, obtain medical data and health records relating to the licensee or applicant without the licensee's or applicant's consent, upon issuance of a subpoena by the board. These data and records shall be admissible without further authentication by either board or licensee at any hearing held pursuant to this section;

(3) After a contested hearing before the board, and upon a showing of reasonable cause to believe that a licensee or applicant is unable to practice his or her profession with reasonable skill and safety to the public by reason of medical or osteopathic incompetency, mental, or physical incapacity, or due to the excessive use or abuse of alcohol or controlled substances the board may require a licensee or applicant to submit to an examination. The board shall maintain a list of facilities approved to perform such examinations. The licensee or applicant may propose a facility not previously approved to the board and the board may accept such facility as an approved facility for such licensee or applicant by a majority vote;

(4) For purposes of this subsection, every licensee or applicant is deemed to have consented to an examination upon a showing of reasonable cause. The applicant or licensee shall be deemed to have waived all objections to the admissibility of testimony by the provider of the examination and to the admissibility of examination reports on the grounds that the provider of the examination's testimony or the examination is confidential or privileged;

(5) Written notice of the order for an examination shall be sent to the applicant or licensee by registered mail, addressed to the licensee or applicant at the licensee's or applicant's last known address on file with the board, or shall be personally served on the applicant or licensee. The order shall state the cause for the examination, how to obtain information about approved facilities, and a time limit for obtaining the examination. The licensee or applicant shall cause a report of the examination to be sent to the board;

(6) The licensee or applicant shall sign all necessary releases for the board to obtain and use the examination during a hearing and to disclose the recommendations of the examination as part of a disciplinary order;

(7) After receiving the report of the examination ordered in subdivision (3) of this subsection, the board may hold a contested hearing to determine if by clear and convincing evidence the licensee or applicant is unable to practice with reasonable skill or safety to the public by reasons of medical or osteopathic incompetency, reason of mental or physical incapacity, or due to the excessive use or abuse of alcohol or controlled substances. If the board finds that the licensee or applicant is unable to practice with reasonable skill or safety to the public by reasons of medical or osteopathic incompetency, reason of mental or physical incapacity, or excessive use or abuse of controlled substances, the board shall, after a hearing, enter an order imposing one or more of the disciplinary measures set forth in subsection 4 of section 334.100; and

(8) The provisions of chapter 536 for a contested case, except those provisions or amendments which are in conflict with this section, shall apply to and govern the proceedings contained in this subsection and the rights and duties of the parties involved. The person appealing such an action shall be entitled to present evidence under chapter 536 relevant to the allegations.

2. Failure to submit to the examination when directed shall be cause for the revocation of the license of the licensee or denial of the application. No license may be reinstated or application granted until such time as the examination is completed and delivered to the board or the board withdraws its order.

3. Neither the record of proceedings nor the orders entered by the board shall be used against a licensee or applicant in any other proceeding, except for a proceeding in which the board or its members are a party or in a proceeding involving any state or federal agency.

4. A licensee or applicant whose right to practice has been affected under this section shall, at reasonable intervals not to exceed twelve months, be afforded an opportunity to demonstrate that he or she can resume the competent practice of his or her profession or should be granted a license. The board may hear such motion more often upon good cause shown.

5. The board shall promulgate rules and regulations to carry out the provisions of this section.

6. For purposes of this section, “examination” means a skills, multidisciplinary, or substance abuse evaluation.

334.100. 1. The board may refuse to issue or renew any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant’s right to file a complaint with the administrative hearing commission as provided by chapter 621. As an alternative to a refusal to issue or renew any certificate, registration or authority, the board may, at its discretion, issue a license which is subject to probation, restriction or limitation to an applicant for licensure for any one or any combination of causes stated in subsection 2 of this section. The board’s order of probation, limitation or restriction shall contain a statement of the discipline imposed, the basis therefor, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited or restricted license seeking review of the board’s determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board’s decision shall be considered as waived.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person’s certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person’s ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated pursuant to this chapter, for any offense [an essential element of which is] **involving** fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

(4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct or unprofessional conduct in the performance of the functions or duties of any profession licensed or regulated by this chapter, including, but not limited to, the following:

(a) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception

or misrepresentation; willfully and continually overcharging or overtreating patients; or charging for visits to the physician's office which did not occur unless the services were contracted for in advance, or for services which were not rendered or documented in the patient's records;

(b) Attempting, directly or indirectly, by way of intimidation, coercion or deception, to obtain or retain a patient or discourage the use of a second opinion or consultation;

(c) Willfully and continually performing inappropriate or unnecessary treatment, diagnostic tests or medical or surgical services;

(d) Delegating professional responsibilities to a person who is not qualified by training, skill, competency, age, experience or licensure to perform such responsibilities;

(e) Misrepresenting that any disease, ailment or infirmity can be cured by a method, procedure, treatment, medicine or device;

(f) Performing or prescribing medical services which have been declared by board rule to be of no medical or osteopathic value;

(g) Final disciplinary action by any professional medical or osteopathic association or society or licensed hospital or medical staff of such hospital in this or any other state or territory, whether agreed to voluntarily or not, and including, but not limited to, any removal, suspension, limitation, or restriction of the person's license or staff or hospital privileges, failure to renew such privileges or license for cause, or other final disciplinary action, if the action was in any way related to unprofessional conduct, professional incompetence, malpractice or any other violation of any provision of this chapter;

(h) Signing a blank prescription form; or dispensing, prescribing, administering or otherwise distributing any drug, controlled substance or other treatment without sufficient examination **including failing to establish a valid physician-patient relationship pursuant to section 334.108**, or for other than medically accepted therapeutic or experimental or investigative purposes duly authorized by a state or federal agency, or not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease, except as authorized in section 334.104;

(i) Exercising influence within a physician-patient relationship for purposes of engaging a patient in sexual activity;

(j) **Being listed on any state or federal sexual offender registry;**

(k) Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient;

[(k)] (l) Failing to furnish details of a patient's medical records to other treating physicians or hospitals upon proper request; or failing to comply with any other law relating to medical records;

[(l)] (m) Failure of any applicant or licensee[, other than the licensee subject to the investigation,] to cooperate with the board during any investigation;

[(m)] (n) Failure to comply with any subpoena or subpoena duces tecum from the board or an order of the board;

[(n)] (o) Failure to timely pay license renewal fees specified in this chapter;

[(o)] (p) Violating a probation agreement, **order, or other settlement agreement** with this board or any

other licensing agency;

[(p)] **(q)** Failing to inform the board of the physician's current residence and business address;

[(q)] **(r)** Advertising by an applicant or licensee which is false or misleading, or which violates any rule of the board, or which claims without substantiation the positive cure of any disease, or professional superiority to or greater skill than that possessed by any other physician. An applicant or licensee shall also be in violation of this provision if the applicant or licensee has a financial interest in any organization, corporation or association which issues or conducts such advertising;

(s) Any other conduct that is unethical or unprofessional involving a minor;

(5) Any conduct or practice which is or might be harmful or dangerous to the mental or physical health of a patient or the public; or incompetency, gross negligence or repeated negligence in the performance of the functions or duties of any profession licensed or regulated by this chapter. For the purposes of this subdivision, "repeated negligence" means the failure, on more than one occasion, to use that degree of skill and learning ordinarily used under the same or similar circumstances by the member of the applicant's or licensee's profession;

(6) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of this chapter **or chapter 324**, or of any lawful rule or regulation adopted pursuant to this chapter **or chapter 324**;

(7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from any school;

(8) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation or other final disciplinary action against the holder of or applicant for a license or other right to practice any profession regulated by this chapter by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee or applicant, including, but not limited to, the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or limiting the practice of medicine while subject to an investigation or while actually under investigation by any licensing authority, medical facility, branch of the armed forces of the United States of America, insurance company, court, agency of the state or federal government, or employer;

(9) A person is finally adjudged incapacitated or disabled by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not registered and currently eligible to practice pursuant to this chapter; or knowingly performing any act which in any way aids, assists, procures, advises, or encourages any person to practice medicine who is not registered and currently eligible to practice pursuant to this chapter. A physician who works in accordance with standing orders or protocols or in accordance with the provisions of section 334.104 shall not be in violation of this subdivision;

(11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;

(12) Failure to display a valid certificate or license if so required by this chapter or any rule promulgated pursuant to this chapter;

(13) Violation of the drug laws or rules and regulations of this state, **including but not limited to any**

provision of chapter 195, any other state, or the federal government;

(14) Knowingly making, or causing to be made, or aiding, or abetting in the making of, a false statement in any birth, death or other certificate or document executed in connection with the practice of the person's profession;

(15) Knowingly making a false statement, orally or in writing to the board;

(16) Soliciting patronage in person or by agents or representatives, or by any other means or manner, under the person's own name or under the name of another person or concern, actual or pretended, in such a manner as to confuse, deceive, or mislead the public as to the need or necessity for or appropriateness of health care services for all patients, or the qualifications of an individual person or persons to diagnose, render, or perform health care services;

[(16)] **(17)** Using, or permitting the use of, the person's name under the designation of "Doctor", "Dr.", "M.D.", or "D.O.", or any similar designation with reference to the commercial exploitation of any goods, wares or merchandise;

[(17)] **(18)** Knowingly making or causing to be made a false statement or misrepresentation of a material fact, with intent to defraud, for payment pursuant to the provisions of chapter 208 or chapter 630 or for payment from Title XVIII or Title XIX of the federal Medicare program;

[(18)] **(19)** Failure or refusal to properly guard against contagious, infectious or communicable diseases or the spread thereof; maintaining an unsanitary office or performing professional services under unsanitary conditions; or failure to report the existence of an unsanitary condition in the office of a physician or in any health care facility to the board, in writing, within thirty days after the discovery thereof;

[(19)] **(20)** Any candidate for licensure or person licensed to practice as a physical therapist, paying or offering to pay a referral fee or, notwithstanding section 334.010 to the contrary, practicing or offering to practice professional physical therapy independent of the prescription and direction of a person licensed and registered as a physician and surgeon pursuant to this chapter, as a dentist pursuant to chapter 332, as a podiatrist pursuant to chapter 330, as an advanced practice registered nurse under chapter 335, or any licensed and registered physician, dentist, podiatrist, or advanced practice registered nurse practicing in another jurisdiction, whose license is in good standing;

[(20)] **(21)** Any candidate for licensure or person licensed to practice as a physical therapist, treating or attempting to treat ailments or other health conditions of human beings other than by professional physical therapy and as authorized by sections 334.500 to 334.620;

[(21)] **(22)** Any person licensed to practice as a physician or surgeon, requiring, as a condition of the physician-patient relationship, that the patient receive prescribed drugs, devices or other professional services directly from facilities of that physician's office or other entities under that physician's ownership or control. A physician shall provide the patient with a prescription which may be taken to the facility selected by the patient and a physician knowingly failing to disclose to a patient on a form approved by the advisory commission for professional physical therapists as established by section 334.625 which is dated and signed by a patient or guardian acknowledging that the patient or guardian has read and understands that the physician has a pecuniary interest in a physical therapy or rehabilitation service providing prescribed treatment and that the prescribed treatment is available on a competitive basis. This subdivision shall not apply to a referral by one physician to another physician within a group of physicians practicing together;

[(22)] **(23)** A pattern of personal use or consumption of any controlled substance unless it is prescribed, dispensed or administered by another physician who is authorized by law to do so;

[(23)] **(24) Habitual intoxication or dependence on alcohol, evidence of which may include more than one alcohol-related enforcement contact as defined by section 302.525;**

(25) Failure to comply with a treatment program or an aftercare program entered into as part of a board order, settlement agreement or licensee's professional health program;

(26) Revocation, suspension, limitation, probation, or restriction of any kind whatsoever of any controlled substance authority, whether agreed to voluntarily or not, or voluntary termination of a controlled substance authority while under investigation;

[(24)] **(27)** For a physician to operate, conduct, manage, or establish an abortion facility, or for a physician to perform an abortion in an abortion facility, if such facility comes under the definition of an ambulatory surgical center pursuant to sections 197.200 to 197.240, and such facility has failed to obtain or renew a license as an ambulatory surgical center[;

(25) Being unable to practice as a physician and surgeon or with a specialty with reasonable skill and safety to patients by reasons of medical or osteopathic incompetency, or because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or as a result of any mental or physical condition. The following shall apply to this subdivision:

(a) In enforcing this subdivision the board shall, after a hearing by the board, upon a finding of probable cause, require a physician to submit to a reexamination for the purpose of establishing his or her competency to practice as a physician or surgeon or with a specialty conducted in accordance with rules adopted for this purpose by the board, including rules to allow the examination of the pattern and practice of such physician's or surgeon's professional conduct, or to submit to a mental or physical examination or combination thereof by at least three physicians, one selected by the physician compelled to take the examination, one selected by the board, and one selected by the two physicians so selected who are graduates of a professional school approved and accredited as reputable by the association which has approved and accredited as reputable the professional school from which the licensee graduated. However, if the physician is a graduate of a medical school not accredited by the American Medical Association or American Osteopathic Association, then each party shall choose any physician who is a graduate of a medical school accredited by the American Medical Association or the American Osteopathic Association;

(b) For the purpose of this subdivision, every physician licensed pursuant to this chapter is deemed to have consented to submit to a mental or physical examination when directed in writing by the board and further to have waived all objections to the admissibility of the examining physician's testimony or examination reports on the ground that the examining physician's testimony or examination is privileged;

(c) In addition to ordering a physical or mental examination to determine competency, the board may, notwithstanding any other law limiting access to medical or other health data, obtain medical data and health records relating to a physician or applicant without the physician's or applicant's consent;

(d) Written notice of the reexamination or the physical or mental examination shall be sent to the physician, by registered mail, addressed to the physician at the physician's last known address. Failure of a physician to designate an examining physician to the board or failure to submit to the examination when directed shall constitute an admission of the allegations against the physician, in which case the board may enter a final order without the presentation of evidence, unless the failure was due to circumstances beyond

the physician's control. A physician whose right to practice has been affected under this subdivision shall, at reasonable intervals, be afforded an opportunity to demonstrate that the physician can resume the competent practice as a physician and surgeon with reasonable skill and safety to patients;

(e) In any proceeding pursuant to this subdivision neither the record of proceedings nor the orders entered by the board shall be used against a physician in any other proceeding. Proceedings under this subdivision shall be conducted by the board without the filing of a complaint with the administrative hearing commission;

(f) When the board finds any person unqualified because of any of the grounds set forth in this subdivision, it may enter an order imposing one or more of the disciplinary measures set forth in subsection 4 of this section].

3. Collaborative practice arrangements, protocols and standing orders shall be in writing and signed and dated by a physician prior to their implementation.

4. After the filing of such complaint before the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in combination, warn, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years, or may suspend the person's license, certificate or permit for a period not to exceed three years, or restrict or limit the person's license, certificate or permit for an indefinite period of time, or revoke the person's license, certificate, or permit, or administer a public or private reprimand, or deny the person's application for a license, or permanently withhold issuance of a license or require the person to submit to the care, counseling or treatment of physicians designated by the board at the expense of the individual to be examined, or require the person to attend such continuing educational courses and pass such examinations as the board may direct.

5. In any order of revocation, the board may provide that the person may not apply for reinstatement of the person's license for a period of time ranging from two to seven years following the date of the order of revocation. All stay orders shall toll this time period.

6. Before restoring to good standing a license, certificate or permit issued pursuant to this chapter which has been in a revoked, suspended or inactive state for any cause for more than two years, the board may require the applicant to attend such continuing medical education courses and pass such examinations as the board may direct.

7. In any investigation, hearing or other proceeding to determine a licensee's or applicant's fitness to practice, any record relating to any patient of the licensee or applicant shall be discoverable by the board and admissible into evidence, regardless of any statutory or common law privilege which such licensee, applicant, record custodian or patient might otherwise invoke. In addition, no such licensee, applicant, or record custodian may withhold records or testimony bearing upon a licensee's or applicant's fitness to practice on the ground of privilege between such licensee, applicant or record custodian and a patient.

334.102. 1. [Upon receipt of information that the holder of any certificate of registration or authority, permit or license issued pursuant to this chapter may present a clear and present danger to the public health and safety, the executive secretary or director shall direct that the information be brought to the board in the form of sworn testimony or affidavits during a meeting of the board.

2. The board may issue an order suspending and/or restricting the holder of a certificate of registration or authority, permit or license if it believes:

(1) The licensee's acts, conduct or condition may have violated subsection 2 of section 334.100; and

(2) A licensee is practicing, attempting or intending to practice in Missouri; and

(3) Either a licensee is unable by reason of any physical or mental condition to receive and evaluate information or to communicate decisions to the extent that the licensee's condition or actions significantly affect the licensee's ability to practice, or another state, territory, federal agency or country has issued an order suspending or restricting the holder of a license or other right to practice a profession regulated by this chapter, or the licensee has engaged in repeated acts of life-threatening negligence as defined in subsection 2 of section 334.100; and

(4) The acts, conduct or condition of the licensee constitute a clear and present danger to the public health and safety.

3. (1) The order of suspension or restriction:

(a) Shall be based on the sworn testimony or affidavits presented to the board;

(b) May be issued without notice and hearing to the licensee;

(c) Shall include the facts which lead the board to conclude that the acts, conduct or condition of the licensee constitute a clear and present danger to the public health and safety; and

(2) The board or the administrative hearing commission shall serve the licensee, in person or by certified mail, with a copy of the order of suspension or restriction and all sworn testimony or affidavits presented to the board, a copy of the complaint and the request for expedited hearing, and a notice of the place of and the date upon which the preliminary hearing will be held.

(3) The order of restriction shall be effective upon service of the documents required in subdivision (2) of this subsection.

(4) The order of suspension shall become effective upon the entry of the preliminary order of the administrative hearing commission.

(5) The licensee may seek a stay order from the circuit court of Cole County from the preliminary order of suspension, pending the issuance of a final order by the administrative hearing commission.

4. The board shall file a complaint in the administrative hearing commission with a request for expedited preliminary hearing and shall certify the order of suspension or restriction and all sworn testimony or affidavits presented to the board. Immediately upon receipt of a complaint filed pursuant to this section, the administrative hearing commission shall set the place and date of the expedited preliminary hearing which shall be conducted as soon as possible, but not later than five days after the date of service upon the licensee. The administrative hearing commission shall grant a licensee's request for a continuance of the preliminary hearing; however, the board's order shall remain in full force and effect until the preliminary hearing, which shall be held not later than forty-five days after service of the documents required in subdivision (2) of subsection 3.

5. At the preliminary hearing, the administrative hearing commission shall receive into evidence all information certified by the board and shall only hear evidence on the issue of whether the board's order of suspension or restriction should be terminated or modified. Within one hour after the preliminary hearing,

the administrative hearing commission shall issue its oral or written preliminary order, with or without findings of fact and conclusions of law, that either adopts, terminates or modifies the board's order. The administrative hearing commission shall reduce to writing any oral preliminary order within five business days, but the effective date of the order shall be the date orally issued.

6. The preliminary order of the administrative hearing commission shall become a final order and shall remain in effect for three years unless either party files a request for a full hearing on the merits of the complaint filed by the board within thirty days from the date of the issuance of the preliminary order of the administrative hearing commission.

7. Upon receipt of a request for full hearing, the administrative hearing commission shall set a date for hearing and notify the parties in writing of the time and place of the hearing. If a request for full hearing is timely filed, the preliminary order of the administrative hearing commission shall remain in effect until the administrative hearing commission enters an order terminating, modifying, or dismissing its preliminary order or until the board issues an order of discipline following its consideration of the decision of the administrative hearing commission pursuant to section 621.110 and subsection 3 of section 334.100.

8. In cases where the board initiates summary suspension or restriction proceedings against a physician licensed pursuant to this chapter, and said petition is subsequently denied by the administrative hearing commission, in addition to any award made pursuant to sections 536.085 and 536.087, the board, but not individual members of the board, shall pay actual damages incurred during any period of suspension or restriction.

9. Notwithstanding the provisions of this chapter or chapter 610 or chapter 621 to the contrary, the proceedings under this section shall be closed and no order shall be made public until it is final, for purposes of appeal.

10. The burden of proving the elements listed in subsection 2 of this section shall be upon the state board of registration for the healing arts.] **The board may apply to the administrative hearing commission for an emergency suspension or restriction of a licensee for the following causes:**

(1) Engaging in sexual conduct, as defined in section 566.010, with a patient who is not the licensee's spouse, regardless of whether the patient consented;

(2) Engaging in sexual misconduct with a minor or person the licensee believes to be a minor. "Sexual misconduct" means any conduct of a sexual nature which would be illegal under state or federal law;

(3) Possession of a controlled substance in violation of chapter 195 or any state or federal law, rule, or regulation, excluding record keeping violations;

(4) Use of a controlled substance without a valid prescription;

(5) The licensee is adjudicated incapacitated or disabled by a court of competent jurisdiction;

(6) Habitual intoxication or dependence upon alcohol or controlled substances or failure to comply with a treatment or aftercare program entered into pursuant to a board order, settlement agreement, or as part of the licensee's professional health program;

(7) A report from a board approved facility or a professional health program stating the licensee is not fit to practice. For purposes of this section, a licensee is deemed to have waived all objections to the admissibility of testimony from the provider of the examination and admissibility of the

examination reports. The licensee shall sign all necessary releases for the board to obtain and use the examination during a hearing; or

(8) Any conduct for which the board may discipline that constitutes a serious danger to the health, safety, or welfare of a patient or the public.

2. The board shall submit existing affidavits and existing certified court records together with a complaint alleging the facts in support of the board's request for an emergency suspension or restriction to the administrative hearing commission and shall supply the administrative hearing commission with the last home or business addresses on file with the board for the licensee. Within one business day of the filing of the complaint, the administrative hearing commission shall return a service packet to the board. The service packet shall include the board's complaint and any affidavits or records the board intends to rely on that have been filed with the administrative hearing commission. The service packet may contain other information in the discretion of the administrative hearing commission. Within twenty-four hours of receiving the packet, the board shall either personally serve the licensee or leave a copy of the service packet at all of the licensee's current addresses on file with the board. Prior to the hearing, the licensee may file affidavits and certified court records for consideration by the administrative hearing commission.

3. Within five days of the board's filing of the complaint, the administrative hearing commission shall review the information submitted by the board and the licensee and shall determine based on that information if probable cause exists pursuant to subsection 1 of this section and shall issue its findings of fact and conclusions of law. If the administrative hearing commission finds that there is probable cause, the administrative hearing commission shall enter the order requested by the board. The order shall be effective upon personal service or by leaving a copy at all of the licensee's current addresses on file with the board.

4. The administrative hearing commission shall hold a hearing within forty-five days of the board's filing of the complaint to determine if cause for discipline exists. The administrative hearing commission may grant a request for a continuance, but shall in any event, hold the hearing within one hundred twenty days of the board's initial filing. The board shall be granted leave to amend its complaint if it is more than thirty days prior to the hearing. If less than thirty days, the board may be granted leave to amend if public safety requires.

(1) If no cause for discipline exists, the administrative hearing commission shall issue findings of fact, conclusions of law, and an order terminating the emergency suspension or restriction.

(2) If cause for discipline exists, the administrative hearing commission shall issue findings of fact and conclusions of law and order the emergency suspension or restriction to remain in full force and effect pending a disciplinary hearing before the board. The board shall hold a hearing following the certification of the record by the administrative hearing commission and may impose any discipline otherwise authorized by state law.

6. Any action under this section shall be in addition to and not in lieu of any discipline otherwise in the board's power to impose and may be brought concurrently with other actions.

7. If the administrative hearing commission does not find probable cause and does not grant the emergency suspension or restriction, the board shall remove all reference to such emergency suspension or restriction from its public records. Records relating to the suspension or restriction

shall be maintained in the board's files. The board or licensee may use such records in the course of any litigation to which they are both parties. Additionally, such records may be released upon a specific, written request of the licensee.

8. (1) The board may initiate a hearing before the board, for discipline of any licensee's license or certificate upon receipt of one of the following:

(a) Certified court records of a finding of guilt or plea of guilty or nolo contendere in a criminal prosecution under the laws of any state or of the United States for any offense involving the qualifications, functions, or duties of any profession licensed or regulated under this chapter, for any offense involving fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(b) Evidence of final disciplinary action against the licensee's license, certification or registration issued by any other state, by any other agency or entity of this state or any other state or the United States or its territories, or any other country;

(c) Evidence of certified court records finding the licensee has been judged incapacitated or disabled under Missouri law or under the laws of any other state or of the United States or its territories.

(2) The board shall provide the licensee not less than ten days notice of any hearing held pursuant to chapter 536.

(3) Upon a finding that cause exists to discipline a licensee's license the board may impose any discipline otherwise available when disciplining licensees of that same profession.

9. A final decision of the administrative hearing commission or the board shall be subject to judicial review pursuant to chapter 536.

334.103. 1. A license issued under this chapter by the Missouri State Board of Registration for the Healing Arts shall be automatically revoked at such time as the final trial proceedings are concluded whereby a licensee has been adjudicated and found guilty, or has entered a plea of guilty or nolo contendere, in a felony criminal prosecution under the laws of the state of Missouri, the laws of any other state, or the laws of the United States of America for any offense reasonably related to the qualifications, functions or duties of their profession, or for any felony offense[, an essential element of which is] **involving** fraud, dishonesty or an act of violence, or for any felony offense involving moral turpitude, whether or not sentence is imposed, or, upon the final and unconditional revocation of the license to practice their profession in another state or territory upon grounds for which revocation is authorized in this state following a review of the record of the proceedings and upon a formal motion of the state board of registration for the healing arts. The license of any such licensee shall be automatically reinstated if the conviction or the revocation is ultimately set aside upon final appeal in any court of competent jurisdiction.

2. Anyone who has been denied a license, permit or certificate to practice in another state shall automatically be denied a license to practice in this state. However, the board of healing arts may set up other qualifications by which such person may ultimately be qualified and licensed to practice in Missouri.

334.108. 1. Prior to prescribing any drug, controlled substance, or other treatment through the internet, a physician shall establish a valid physician-patient relationship. This relationship shall include:

(1) Obtaining a reliable medical history and performing a physical examination of the patient, adequate to establish the diagnosis for which the drug is being prescribed and to identify underlying conditions or contraindications to the treatment recommended or provided;

(2) Having sufficient dialogue with the patient regarding treatment options and the risks and benefits of treatment or treatments;

(3) If appropriate, following up with the patient to assess the therapeutic outcome;

(4) Maintaining a contemporaneous medical record that is readily available to the patient and, subject to the patient's consent, to the patient's other health care professionals; and

(5) Including the electronic prescription information as part of the patient's medical record.

2. The requirements of subsection 1 of this section may be satisfied by the prescribing physician's designee when treatment is provided in:

(1) A hospital as defined in section 197.020;

(2) A hospice program as defined in section 197.250;

(3) Home health services provided by a home health agency as defined in section 197.400;

(4) Accordance with a collaborative practice agreement as defined in section 334.104;

(5) Conjunction with a physician assistant licensed pursuant to section 334.738;

(6) Consultation with another physician who has an ongoing physician-patient relationship with the patient, and who has agreed to supervise the patient's treatment, including use of any prescribed medications; or

(7) On-call or cross-coverage situations.

334.715. 1. The board may refuse to **issue or renew any** license [any applicant or may suspend, revoke, or refuse to renew the license of any licensee for any one or any combination of the causes provided in section 334.100, or if the applicant or licensee] **required under sections 334.700 to 334.725 for one or any combination of causes listed in subsection 2 of this section or any cause listed in section 334.100.** The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided in chapter 621. As an alternative to a refusal to issue or renew any certificate, registration, or authority, the board may, in its discretion, issue a license which is subject to reprimand, probation, restriction, or limitation to an applicant for licensure for any one or any combination of causes listed in subsection 2 of this section or section 334.100. The board's order of reprimand, probation, limitation, or restriction shall contain a statement of the discipline imposed, the basis therefor, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited, or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited, or restricted license seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered waived.

2. The board may cause a complaint to be filed with the administrative hearing commission as

provided in chapter 621 against any holder of a certificate of registration or authority, permit, or license required by sections 334.700 to 334.725 or any person who has failed to renew or has surrendered the person's certification of registration or license for any one or any combination of the following causes:

(1) Violated or conspired to violate any provision of sections 334.700 to 334.725 or any provision of any rule promulgated pursuant to sections 334.700 to 334.725; or

(2) Has been found guilty of unethical conduct as defined in the ethical standards of the National Athletic Trainers Association or the National Athletic Trainers Association Board of Certification, or its successor agency, as adopted and published by the committee and the board and filed with the secretary of state; or

(3) Any cause listed in section 334.100.

[2. Upon receipt of a written application made in the form and manner prescribed by the board, the board may reinstate any license which has expired, been suspended or been revoked or may issue any license which has been denied; provided, that no application for reinstatement or issuance of license or licensure shall be considered until at least six months have elapsed from the date of denial, expiration, suspension, or revocation when the license to be reinstated or issued was denied issuance or renewal or was suspended or revoked for one of the causes listed in subsection 1 of this section.]

3. After the filing of such complaint before the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds provided in subsection 2 of this section for disciplinary action are met, the board may, singly or in combination:

(1) Warn, censure, or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years; or

(2) Suspend the person's license, certificate, or permit for a period not to exceed three years; or

(3) Administer a public or private reprimand; or

(4) Deny the person's application for a license; or

(5) Permanently withhold issuance of a license or require the person to submit to the care, counseling, or treatment of physicians designated by the board at the expense of the individual to be examined; or

(6) Require the person to attend such continuing education courses and pass such examinations as the board may direct.

4. In any order of revocation, the board may provide that the person shall not apply for reinstatement of the person's license for a period of time ranging from two to seven years following the date of the order of revocation. All stay orders shall toll such time period.

5. Before restoring to good standing a license, certificate, or permit issued under this chapter which has been in a revoked, suspended, or inactive state for any cause for more than two years, the board may require the applicant to attend such continuing education courses and pass such examinations as the board may direct.”; and

Further amend said bill, page 22, section 436.456, line 1, by inserting after all of said line the following:

“536.063. In any contested case:

(1) The contested case shall be commenced by the filing of a writing by which the party or agency instituting the proceeding seeks such action as by law can be taken by the agency only after opportunity for hearing, or seeks a hearing for the purpose of obtaining a decision reviewable upon the record of the proceedings and evidence at such hearing, or upon such record and additional evidence, either by a court or by another agency. Answering, intervening and amendatory writings and motions may be filed in any case and shall be filed where required by rule of the agency, except that no answering instrument shall be required unless the notice of institution of the case states such requirement. Entries of appearance shall be permitted[.];

(2) Any writing filed whereby affirmative relief is sought shall state what relief is sought or proposed and the reason for granting it, and shall not consist merely of statements or charges phrased in the language of a statute or rule; provided, however, that this subdivision shall not apply when the writing is a notice of appeal as authorized by law[.];

(3) Reasonable opportunity shall be given for the preparation and presentation of evidence bearing on any issue raised or decided or relief sought or granted. Where issues are tried without objection or by consent, such issues shall be deemed to have been properly before the agency. Any formality of procedure may be waived by mutual consent[.];

(4) Every writing seeking relief or answering any other writing, and any motion shall state the name and address of the attorney, if any, filing it; otherwise the name and address of the party filing it[.];

(5) By rule the agency may require any party filing such a writing to furnish, in addition to the original of such writing, the number of copies required for the agency’s own use and the number of copies necessary to enable the agency to comply with the provisions of this subdivision hereinafter set forth. The agency shall, without charge therefor, mail one copy of each such writing, as promptly as possible after it is filed, to every party or his **or her** attorney who has filed a writing or who has entered his **or her** appearance in the case, and who has not theretofore been furnished with a copy of such writing and shall have requested copies of the writings; provided that in any case where the parties are so numerous that the requirements of this subdivision would be unduly onerous, the agency may in lieu thereof (a) notify all parties of the fact of the filing of such writing, and (b) permit any party to copy such writing[.];

(6) When a holder of a license, registration, permit, or certificate of authority issued by the division of professional registration or a board, commission, or committee of the division of professional registration against whom an affirmative decision is sought has failed to plead or otherwise respond in the contested case and adequate notice has been given under section 536.067 upon a properly pled writing filed to initiate the contested case under this chapter, a default decision shall be entered against the licensee without further proceedings. The default decision shall grant such relief as requested by the division of professional registration, board, committee, commission, or office in the writing initiating the contested case as allowed by law. Upon motion stating facts constituting a meritorious defense and for good cause shown, a default decision may be set aside. The motion shall be made within a reasonable time, not to exceed thirty days after entry of the default decision. “Good cause” includes a mistake or conduct that is not intentionally or recklessly designed to impede the administrative process.

536.067. In any contested case:

(1) The agency shall promptly mail a notice of institution of the case to all necessary parties, if any, and to all persons designated by the moving party and to any other persons to whom the agency may determine that notice should be given. The agency or its clerk or secretary shall keep a permanent record of the persons to whom such notice was sent and of the addresses to which sent and the time when sent. Where a contested case would affect the rights, privileges or duties of a large number of persons whose interests are sufficiently similar that they may be considered as a class, notice may in a proper case be given to a reasonable number thereof as representatives of such class. In any case where the name or address of any proper or designated party or person is not known to the agency, and where notice by publication is permitted by law, then notice by publication may be given in accordance with any rule or regulation of the agency or if there is no such rule or regulation, then, in a proper case, the agency may by a special order fix the time and manner of such publication[.];

(2) The notice of institution of the case to be mailed as provided in this section shall state in substance:

(a) The caption and number of the case;

(b) That a writing seeking relief has been filed in such case, the date it was filed, and the name of the party filing the same;

(c) A brief statement of the matter involved in the case unless a copy of the writing accompanies said notice;

(d) Whether an answer to the writing is required, and if so the date when it must be filed;

(e) That a copy of the writing may be obtained from the agency, giving the address to which application for such a copy may be made. This may be omitted if the notice is accompanied by a copy of such writing;

(f) The location in the Code of State Regulations of any rules of the agency regarding discovery or a statement that the agency shall send a copy of such rules on request;

(3) Unless the notice of hearing hereinafter provided for shall have been included in the notice of institution of the case, the agency shall, as promptly as possible after the time and place of hearing have been determined, mail a notice of hearing to the moving party and to all persons and parties to whom a notice of institution of the case was required to be or was mailed, and also to any other persons who may thereafter have become or have been made parties to the proceeding. The notice of hearing shall state:

(a) The caption and number of the case;

(b) The time and place of hearing;

(4) No hearing in a contested case shall be had, except by consent, until a notice of hearing shall have been given substantially as provided in this section, and such notice shall in every case be given a reasonable time before the hearing. Such reasonable time shall be at least ten days except in cases where the public morals, health, safety or interest may make a shorter time reasonable; provided that when a longer time than ten days is prescribed by statute, no time shorter than that so prescribed shall be deemed reasonable;

(5) When a holder of a license, registration, permit, or certificate of authority issued by the division of professional registration or a board, commission, or committee of the division of professional registration against whom an affirmative decision is sought has failed to plead or otherwise respond in the contested case and adequate notice has been given under this section upon a properly pled writing filed to initiate the contested case under this chapter, a default decision shall

be entered against the holder of a license, registration, permit, or certificate of authority without further proceedings. The default decision shall grant such relief as requested by the division of professional registration, board, committee, commission, or office in the writing initiating the contested case as allowed by law. Upon motion stating facts constituting a meritorious defense and for good cause shown, a default decision may be set aside. The motion shall be made within a reasonable time, not to exceed thirty days after entry of the default decision. "Good cause" includes a mistake or conduct that is not intentionally or recklessly designed to impede the administrative process.

536.070. In any contested case:

(1) Oral evidence shall be taken only on oath or affirmation[.];

(2) Each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not the subject of the direct examination, to impeach any witness regardless of which party first called him **or her** to testify, and to rebut the evidence against him[.] **or her**;

(3) A party who does not testify in his **or her** own behalf may be called and examined as if under cross-examination[.];

(4) Each agency shall cause all proceedings in hearings before it to be suitably recorded and preserved. A copy of the transcript of such a proceeding shall be made available to any interested person upon the payment of a fee which shall in no case exceed the reasonable cost of preparation and supply[.];

(5) Records and documents of the agency which are to be considered in the case shall be offered in evidence so as to become a part of the record, the same as any other evidence, but the records and documents may be considered as a part of the record by reference thereto when so offered[.];

(6) Agencies shall take official notice of all matters of which the courts take judicial notice. They may also take official notice of technical or scientific facts, not judicially cognizable, within their competence, if they notify the parties, either during a hearing or in writing before a hearing, or before findings are made after hearing, of the facts of which they propose to take such notice and give the parties reasonable opportunity to contest such facts or otherwise show that it would not be proper for the agency to take such notice of them[.];

(7) Evidence to which an objection is sustained shall, at the request of the party seeking to introduce the same, or at the instance of the agency, nevertheless be heard and preserved in the record, together with any cross-examination with respect thereto and any rebuttal thereof, unless it is wholly irrelevant, repetitious, privileged, or unduly long[.];

(8) Any evidence received without objection which has probative value shall be considered by the agency along with the other evidence in the case. The rules of privilege shall be effective to the same extent that they are now or may hereafter be in civil actions. Irrelevant and unduly repetitious evidence shall be excluded[.];

(9) Copies of writings, documents and records shall be admissible without proof that the originals thereof cannot be produced, if it shall appear by testimony or otherwise that the copy offered is a true copy of the original, but the agency may, nevertheless, if it believes the interests of justice so require, sustain any objection to such evidence which would be sustained were the proffered evidence offered in a civil action

in the circuit court, but if it does sustain such an objection, it shall give the party offering such evidence reasonable opportunity and, if necessary, opportunity at a later date, to establish by evidence the facts sought to be proved by the evidence to which such objection is sustained[.];

(10) Any writing or record, whether in the form of an entry in a book or otherwise, made as a memorandum or record of an act, transaction, occurrence or event, shall be admissible as evidence of the act, transaction, occurrence or event, if it shall appear that it was made in the regular course of any business, and that it was the regular course of such business to make such memorandum or record at the time of such act, transaction, occurrence, or event or within a reasonable time thereafter. All other circumstances of the making of such writing or record, including lack of personal knowledge by the entrant or maker, may be shown to affect the weight of such evidence, but such showing shall not affect its admissibility. The term “business” shall include business, profession, occupation and calling of every kind[.];

(11) The results of statistical examinations or studies, or of audits, compilations of figures, or surveys, involving interviews with many persons, or examination of many records, or of long or complicated accounts, or of a large number of figures, or involving the ascertainment of many related facts, shall be admissible as evidence of such results, if it shall appear that such examination, study, audit, compilation of figures, or survey was made by or under the supervision of a witness, who is present at the hearing, who testifies to the accuracy of such results, and who is subject to cross-examination, and if it shall further appear by evidence adduced that the witness making or under whose supervision such examination, study, audit, compilation of figures, or survey was made was basically qualified to make it. All the circumstances relating to the making of such an examination, study, audit, compilation of figures or survey, including the nature and extent of the qualifications of the maker, may be shown to affect the weight of such evidence but such showing shall not affect its admissibility[.];

(12) Any party or the agency desiring to introduce an affidavit in evidence at a hearing in a contested case may serve on all other parties (including, in a proper case, the agency) copies of such affidavit in the manner hereinafter provided, at any time before the hearing, or at such later time as may be stipulated. Not later than seven days after such service, or at such later time as may be stipulated, any other party (or, in a proper case, the agency) may serve on the party or the agency who served such affidavit an objection to the use of the affidavit or some designated portion or portions thereof on the ground that it is in the form of an affidavit; provided, however, that if such affidavit shall have been served less than eight days before the hearing such objection may be served at any time before the hearing or may be made orally at the hearing. If such objection is so served, the affidavit or the part thereof to which objection was made, may not be used except in ways that would have been permissible in the absence of this subdivision; provided, however, that such objection may be waived by the party or the agency making the same. Failure to serve an objection as aforesaid, based on the ground aforesaid, shall constitute a waiver of all objections to the introduction of such affidavit, or of the parts thereof with respect to which no such objection was so served, on the ground that it is in the form of an affidavit, or that it constitutes or contains hearsay evidence, or that it is not, or contains matters which are not, the best evidence, but any and all other objections may be made at the hearing. Nothing herein contained shall prevent the cross-examination of the affiant if he **or she** is present in obedience to a subpoena or otherwise and if he **or she** is present, he **or she** may be called for cross-examination during the case of the party who introduced the affidavit in evidence. If the affidavit is admissible in part only it shall be admitted as to such part, without the necessity of preparing a new affidavit. The manner of service of such affidavit and of such objection shall be by delivering or mailing copies thereof to the attorneys of record of the parties being served, if any, otherwise, to such parties, and

service shall be deemed complete upon mailing; provided, however, that when the parties are so numerous as to make service of copies of the affidavit on all of them unduly onerous, the agency may make an order specifying on what parties service of copies of such affidavit shall be made, and in that case a copy of such affidavit shall be filed with the agency and kept available for inspection and copying. Nothing in this subdivision shall prevent any use of affidavits that would be proper in the absence of this subdivision.”; and

“621.045. 1. The administrative hearing commission shall conduct hearings and make findings of fact and conclusions of law in those cases when, under the law, a license issued by any of the following agencies may be revoked or suspended or when the licensee may be placed on probation or when an agency refuses to permit an applicant to be examined upon his **or her** qualifications or refuses to issue or renew a license of an applicant who has passed an examination for licensure or who possesses the qualifications for licensure without examination:

Missouri State Board of Accountancy

Missouri State Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects

Board of Barber Examiners

Board of Cosmetology

Board of Chiropody and Podiatry

Board of Chiropractic Examiners

Missouri Dental Board

Board of Embalmers and Funeral Directors

Board of Registration for the Healing Arts

Board of Nursing

Board of Optometry

Board of Pharmacy

Missouri Real Estate Commission

Missouri Veterinary Medical Board

Supervisor of Liquor Control

Department of Health and Senior Services

Department of Insurance, Financial Institutions and Professional Registration

Department of Mental Health

Board of Private Investigator Examiners.

2. If in the future there are created by law any new or additional administrative agencies which have the power to issue, revoke, suspend, or place on probation any license, then those agencies are under the provisions of this law.

3. The administrative hearing commission is authorized to conduct hearings and make findings of fact and conclusions of law in those cases brought by the Missouri state board for architects, professional

engineers, professional land surveyors and landscape architects against unlicensed persons under section 327.076.

4. Notwithstanding any other provision of this section to the contrary, after August 28, 1995, in order to encourage settlement of disputes between any agency described in subsection 1 or 2 of this section and its licensees, any such agency shall:

(1) Provide the licensee with a written description of the specific conduct for which discipline is sought and a citation to the law and rules allegedly violated, together with copies of any documents which are the basis thereof and the agency's initial settlement offer, or file a contested case against the licensee;

(2) If no contested case has been filed against the licensee, allow the licensee at least sixty days, from the date of mailing, to consider the agency's initial settlement offer and to contact the agency to discuss the terms of such settlement offer;

(3) If no contested case has been filed against the licensee, advise the licensee that the licensee may, either at the time the settlement agreement is signed by all parties, or within fifteen days thereafter, submit the agreement to the administrative hearing commission for determination that the facts agreed to by the parties to the settlement constitute grounds for denying or disciplining the license of the licensee; and

(4) In any contact under this subsection by the agency or its counsel with a licensee who is not represented by counsel, advise the licensee that the licensee has the right to consult an attorney at the licensee's own expense.

5. If the licensee desires review by the administrative hearing commission under subdivision (3) of subsection 4 of this section at any time prior to the settlement becoming final, the licensee may rescind and withdraw from the settlement and any admissions of fact or law in the agreement shall be deemed withdrawn and not admissible for any purposes under the law against the licensee. Any settlement submitted to the administrative hearing commission shall not be effective and final unless and until findings of fact and conclusions of law are entered by the administrative hearing commission that the facts agreed to by the parties to the settlement constitute grounds for denying or disciplining the license of the licensee.

6. When a holder of a license, registration, permit, or certificate of authority issued by the division of professional registration or a board, commission, or committee of the division of professional registration against whom an affirmative decision is sought has failed to plead or otherwise respond in the contested case and adequate notice has been given under sections 536.067 and 621.100 upon a properly pled writing filed to initiate the contested case under this chapter or chapter 536, a default decision shall be entered against the licensee without further proceedings. The default decision shall grant such relief as requested by the division of professional registration, board, committee, commission, or office in the writing initiating the contested case as allowed by law. Upon motion stating facts constituting a meritorious defense and for good cause shown, a default decision may be set aside. The motion shall be made within a reasonable time, not to exceed thirty days after entry of the default decision. "Good cause" includes a mistake or conduct that is not intentionally or recklessly designed to impede the administrative process.

621.100. 1. Upon receipt of a written complaint from an agency named in section 621.045 in a case relating to a holder of a license granted by such agency, or upon receipt of such complaint from the attorney general, the administrative hearing commission shall cause a copy of said complaint to be served upon such licensee in person, **or by leaving a copy of the complaint at the licensee's dwelling house or usual place**

of abode or last address given to the agency by the licensee with some person residing or present therein over the age of fifteen, or by certified mail, together with a notice of the place of and the date upon which the hearing on said complaint will be held. If service cannot be accomplished [in person or by certified mail] **as described in this section**, notice by publication as described in subsection 3 of section 506.160 shall be allowed; any commissioner is authorized to act as a court or judge would in that section, and any employee of the commission is authorized to act as a clerk would in that section. In any case initiated upon complaint of the attorney general, the agency which issued the license shall be given notice of such complaint and the date upon which the hearing will be held by delivery of a copy of such complaint and notice to the office of such agency or by certified mail. Such agency may intervene and may retain the services of legal counsel to represent it in such case.

2. When a holder of a license, registration, permit, or certificate of authority issued by the division of professional registration or a board, commission, or committee of the division of professional registration against whom an affirmative decision is sought has failed to plead or otherwise respond in the contested case and adequate notice has been given under this section and section 536.067 upon a properly pled writing filed to initiate the contested case under this chapter or chapter 536, a default decision shall be entered against the licensee without further proceedings. The default decision shall grant such relief as requested by the division of professional registration, board, committee, commission, or office in the writing initiating the contested case as allowed by law. Upon motion stating facts constituting a meritorious defense and for good cause shown, a default decision may be set aside. The motion shall be made within a reasonable time, not to exceed thirty days after entry of the default decision. “Good cause” includes a mistake or conduct that is not intentionally or recklessly designed to impede the administrative process.

3. In any case initiated under this section, the custodian of the records of an agency may prepare a sworn affidavit stating truthfully pertinent information regarding the license status of the licensee charged in the complaint, including only: the name of the licensee; his **or her** license number; its designated date of expiration; the date of his **or her** original Missouri licensure; the particular profession, practice or privilege licensed; and the status of his **or her** license as current and active or otherwise. This affidavit shall be received as substantial and competent evidence of the facts stated therein notwithstanding any objection as to the form, manner of presentment or admissibility of this evidence, and shall create a rebuttable presumption of the veracity of the statements therein; provided, however, that the procedures specified in section 536.070 shall apply to the introduction of this affidavit in any case where the status of this license constitutes a material issue of fact in the proof of the cause charged in the complaint.

621.110. Upon a finding in any cause charged by the complaint for which the license may be suspended or revoked as provided in the statutes and regulations relating to the profession or vocation of the licensee **and within one hundred twenty days of the date the case became ready for decision**, the commission shall deliver or transmit by mail to the agency which issued the license the record and a transcript of the proceedings before the commission together with the commission’s findings of fact and conclusions of law. The commission may make recommendations as to appropriate disciplinary action but any such recommendations shall not be binding upon the agency. A copy of the findings of fact, conclusions of law and the commission’s recommendations, if any, shall be delivered or transmitted by mail to the licensee if the licensee’s whereabouts are known, and to any attorney who represented the licensee. Within thirty days after receipt of the record of the proceedings before the commission and the findings of fact, conclusions of law, and recommendations, if any, of the commission, the agency shall set the matter for hearing upon

the issue of appropriate disciplinary action and shall notify the licensee of the time and place of the hearing, provided that such hearing may be waived by consent of the agency and licensee where the commission has made recommendations as to appropriate disciplinary action. In case of such waiver by the agency and licensee, the recommendations of the commission shall become the order of the agency. The licensee may appear at said hearing and be represented by counsel. The agency may receive evidence relevant to said issue from the licensee or any other source. After such hearing the agency may order any disciplinary measure it deems appropriate and which is authorized by law. In any case where the commission fails to find any cause charged by the complaint for which the license may be suspended or revoked, the commission shall dismiss the complaint, and so notify all parties.”; and

Further amend the title and enacting clause accordingly.

Senator Schaaf moved that the above amendment be adopted, which motion prevailed.

Senator Wasson moved that **SS** for **SCS** for **HCS** for **HB 265**, as amended, be adopted, which motion prevailed.

Senator Wasson moved that **SS** for **SCS** for **HCS** for **HB 265**, as amended, be read the 3rd time and passed and was recognized to close.

President Pro Tem Mayer referred **SS** for **SCS** for **HCS** for **HB 265**, as amended, to the Committee on Ways and Means and Fiscal Oversight.

At the request of Senator Stouffer, **HB 484** was placed on the Informal Calendar.

At the request of Senator Stouffer, **HCS** for **HB 430**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Dempsey, **HB 1008**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 604**, with **SCS**, entitled:

An Act to repeal sections 210.496, 211.447, and 453.070, RSMo, and to enact in lieu thereof three new sections relating to parental rights of individuals with disabilities.

Was taken up by Senator Rupp.

SCS for **HCS** for **HB 604**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 604

An Act to repeal sections 210.112, 210.496, 210.498, 210.565, 210.566, 211.031, 211.447, and 453.070, RSMo, and to enact in lieu thereof eleven new sections relating to parental rights.

Was taken up.

Senator Rupp moved that **SCS** for **HCS** for **HB 604** be adopted.

Senator Rupp offered **SS** for **SCS** for **HCS** for **HB 604**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 604

An Act to repeal sections 210.112, 210.496, 210.498, 210.565, 211.031, 211.447, and 453.070, RSMo,

and to enact in lieu thereof ten new sections relating to parental rights.

Senator Rupp moved that **SS** for **SCS** for **HCS** for **HB 604** be adopted, which motion prevailed.

On motion of Senator Rupp, **SS** for **SCS** for **HCS** for **HB 604** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HCS for **HB 111**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 562**, with **SCS**, entitled:

An Act to repeal sections 210.101 and 210.102, RSMo, and to enact in lieu thereof three new sections relating to the Missouri children's services commission which oversees the Missouri task force on prematurity and infant mortality.

Was taken up by Senator Schmitt.

SCS for **HCS** for **HB 562**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 562

An Act to repeal sections 210.101, 210.102, 210.211, and 210.245, RSMo, and to enact in lieu thereof seven new sections relating to the well-being of children, with a penalty provision.

Was taken up.

Senator Schmitt moved that **SCS** for **HCS** for **HB 562** be adopted.

At the request of Senator Schmitt, **HCS** for **HB 562**, with **SCS** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 798**, **HB 141**, **HB 153**, **HCS** for **HB 363**, **HB 415** and **HB 813** and has taken up and passed **SCS** for **HB 798**, **HB 141**, **HB 153**, **HCS** for **HB 363**, **HB 415** and **HB 813**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 307** and **HB 812** and has taken up and passed **SCS** for **HB 307** and **HB 812**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 388** and has taken up and passed **SCS** for **HB 388**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 631** and has taken up and passed **SCS** for **HCS** for **HB 631**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 270** and has taken up and passed **SCS** for **HB 270**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 186** and has taken up and passed **SCS** for **HB 186**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 149** and has taken up and passed **SCS** for **HB 149**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 250**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 29**, as amended, and grants the Senate a conference thereon.

PRIVILEGED MOTIONS

Senator Kraus moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 270**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Wasson moved that the Senate refuse to concur in **HCS** for **SB 284**, as amended, and request

the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mayer appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 250**, as amended: Senators Kehoe, Goodman, Engler, Callahan and Keaveny.

President Pro Tem Mayer appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 29**, as amended: Senators Brown, Dempsey, Crowell, Justus and Keaveny.

President Pro Tem Mayer assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Ridgeway, Chairman of the Committee on Health, Mental Health, Seniors and Families, submitted the following report:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **HCS** for **HBs 300, 334 and 387**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Purgason, Chairman of the Committee on Ways and Means and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Ways and Means and Fiscal Oversight, to which was referred **HCS** for **HB 506**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Goodman, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HBs 600, 337 and 413**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Cunningham, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **HCS** for **HB 213**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Pearce, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HCS** for **HBs 223 and 231**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Schmitt, Chairman of the Committee on Jobs, Economic Development and Local Government, Senator Dempsey submitted the following report:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HCS** for **HB 840**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Munzlinger, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HCS** for **HB 344**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On motion of Senator Dempsey, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Pearce.

RESOLUTIONS

Senator Goodman offered Senate Resolution No. 1069, regarding Evdokia Romanova, Samara, Russia, which was adopted.

Senator Nieves offered Senate Resolution No. 1070, regarding Ian Yenzer, Union, which was adopted.

Senator Engler offered Senate Resolution No. 1071, regarding Rebecca L. Ruth, which was adopted.

Senator Engler offered Senate Resolution No. 1072, regarding Janice A. Volz, which was adopted.

Senator Engler offered Senate Resolution No. 1073, regarding Judy A. Rosener, which was adopted.

Senator Richard offered Senate Resolution No. 1074, regarding Bill Gipson, Carl Junction, which was adopted.

Senator Richard offered Senate Resolution No. 1075, regarding Parker Scott Belden, Joplin, which was adopted.

Senator Green offered Senate Resolution No. 1076, regarding Phyllis Hughes, which was adopted.

Senator Goodman offered Senate Resolution No. 1077, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. John Brafford, Mt. Vernon, which was adopted.

Senator Munzlinger offered Senate Resolution No. 1078, regarding the Twenty-fifth Wedding Anniversary of Mr. and Mrs. Ronald Alexander, Memphis, which was adopted.

Senator Goodman offered Senate Resolution No. 1079, regarding Port of Kimberling Resort Hotel, which was adopted.

Senator Goodman offered Senate Resolution No. 1080, regarding the late Lloyd Presley, Branson, which was adopted.

Senator Parson offered Senate Resolution No. 1081, regarding Kimberly Wilken, Cole Camp, which was adopted.

Senator Parson offered Senate Resolution No. 1082, regarding Danielle Farr, Creighton, which was adopted.

Senator Engler offered Senate Resolution No. 1083, regarding Keaton Stewart Ashlock, Bolivar, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS**, as amended, for **SCS** for **HCS** for **HBs 73** and **47** and has taken up and passed **SS** for **SCS** for **HCS** for **HBs 73** and **47**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 256** and has taken up and passed **SCS** for **HB 256**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 214** and has taken up and passed **SCS** for **HCS** for **HB 214**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HB 737** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SB 250**, as amended. Representatives: Schad, Cierpiot, Higdon, Colona and Swearingen.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SCS** for **SB 29**, as amended. Representatives: Jones (117), Wells, Frederick, Talboy and Swinger.

PRIVILEGED MOTIONS

Senator Stouffer moved that **SB 3**, with **HCS No. 2**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS No. 2 for **SB 3**, as amended, was again taken up.

Senator Stouffer moved that **HCS No. 2** for **SB 3**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Cunningham	Dempsey	Dixon	Engler	Goodman	Green
Keaveny	Kehoe	Kraus	Lager	Lamping	Mayer	McKenna	Munzlinger
Nieves	Parson	Pearce	Richard	Rupp	Schaaf	Schaefer	Schmitt

Stouffer—25

NAYS—Senators

Chappelle-Nadal	Crowell	Curls	Justus	Lembke	Purgason	Ridgeway	Wright-Jones—8
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Absent—Senator Wasson—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Stouffer, **HCS No. 2** for **SB 3**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Cunningham	Dempsey	Dixon	Engler	Goodman	Green
Keaveny	Kehoe	Kraus	Lager	Lamping	Mayer	McKenna	Munzlinger
Nieves	Parson	Pearce	Richard	Rupp	Schaaf	Schaefer	Schmitt

Stouffer—25

NAYS—Senators

Chappelle-Nadal	Crowell	Curls	Justus	Lembke	Purgason	Ridgeway	Wasson
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Wright-Jones—9

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

At the request of Senator Rupp, **HB 525** was placed on the Informal Calendar.

HCS for **HB 523**, with **SCS**, was placed on the Informal Calendar.

HB 167, introduced by Representative Nolte, et al, with **SCA 1**, entitled:

An Act to repeal section 302.173, RSMo, and to enact in lieu thereof one new section relating to drivers' examinations.

Was taken up by Senator Nieves.

SCA 1 was taken up.

Senator Nieves moved that the above committee amendment be adopted.

At the request of Senator Nieves, **HB 167**, with **SCA 1** (pending), was placed on the Informal Calendar.

At the request of Senator Wasson, **HB 402** was placed on the Informal Calendar.

HCS for **HBs 470** and **429**, with **SCS**, entitled:

An Act to repeal sections 67.641 and 143.183, RSMo, and to enact in lieu thereof two new sections

relating to the nonresident entertainers tax.

Was taken up by Senator Rupp.

SCS for **HCS** for **HBs 470** and **429**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 470 and 429

An Act to repeal sections 67.641 and 143.183, RSMo, and to enact in lieu thereof two new sections relating to the nonresident entertainers tax.

Was taken up.

Senator Rupp moved that **SCS** for **HCS** for **HBs 470** and **429** be adopted.

Senator Rupp offered **SS** for **SCS** for **HCS** for **HBs 470** and **429**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 470 and 429

An Act to repeal section 143.183, RSMo, and to enact in lieu thereof one new section relating to the nonresident entertainers tax.

Senator Rupp moved that **SS** for **SCS** for **HCS** for **HBs 470** and **429** be adopted.

Senator Lager offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 470 and 429, Page 3, Section 143.183, Line 20, by striking the opening bracket “[” on said line and further amend line 22 by striking the closing bracket “]”; and further amend line 26 by striking the opening bracket “[” and closing bracket “]” on said line; and further amend page 4 line 9 by striking the opening bracket “[” on said line and further amend line 11 by striking the closing bracket “]”; and further amend line 15 by striking the opening bracket “[” on said line and further amend line 16 by striking the closing bracket “]”; and further amend line 25 by striking the opening bracket “[” on said line and further amend line 27 by striking the closing bracket “]”; and further amend page 5 line 3 by striking the opening bracket “[” on said line and further amend line 4 by striking the closing bracket “]”; and further amend line 14 by striking the opening bracket “[” on said line and further amend line 16 by striking the closing bracket “]”; and further amend line 20 by striking the opening bracket “[” on said line and further amend line 21 by striking the closing bracket “]”; and further amend page 6 line 21 by striking the opening bracket “[” on said line and further amend line 23 by striking the closing bracket “]”; and further amend line 27 by striking the opening bracket “[” on said line and further amend line 28 by striking the closing bracket “]”; and further amend page 7 line 9 by striking the opening bracket “[” on said line and further amend line 19 by striking the closing bracket “]”.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 470 and 429, Page 5, Section 143.183, Line 28, by inserting immediately after the word “year” the following “[”]; and further amend page 6 line 19 by inserting after the word “grants” the following “[”].

Senator Ridgeway moved that the above amendment be adopted.

Senator Stouffer assumed the Chair.

At the request of Senator Rupp, **HCS** for **HBs 470** and **429**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

HCS for **HB 38**, with **SCS**, entitled:

An Act to amend chapter 221, RSMo, by adding thereto one new section relating to jailors.

Was taken up by Senator Wright-Jones.

SCS for **HCS** for **HB 38**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 38

An Act to repeal section 71.220, RSMo, and to enact in lieu thereof two new sections relating to jails.

Was taken up.

Senator Wright-Jones moved that **SCS** for **HCS** for **HB 38** be adopted, which motion prevailed.

On motion of Senator Wright-Jones, **SCS** for **HCS** for **HB 38** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wright-Jones—32

NAYS—Senator Wasson—1

Absent—Senator Kehoe—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wright-Jones, title to the bill was agreed to.

Senator Wright-Jones moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HB 68, introduced by Representative Scharnhorst, entitled:

An Act to repeal section 190.308, RSMo, and to enact in lieu thereof one new section relating to misuse of emergency telephone service, with an existing penalty provision.

Was taken up by Senator Nieves.

On motion of Senator Nieves, **HB 68** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senator Schaefer—1

Absent—Senator Kehoe—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Nieves, title to the bill was agreed to.

Senator Nieves moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HCS for **HB 161**, with **SCS**, entitled:

An Act to repeal sections 67.1000, 67.1002, 67.1003, 67.1005, 67.1006, and 67.1008, RSMo, and to enact in lieu thereof five new sections relating to county transient guest taxes for tourism purposes.

Was taken up by Senator Parson.

SCS for **HCS** for **HB 161**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 161

An Act to repeal sections 67.1000, 67.1002, 67.1003, 67.1005, 67.1006, 67.1008, and 94.900, RSMo, and to enact in lieu thereof six new sections relating to certain taxes imposed by local governments.

Was taken up.

Senator Parson moved that **SCS** for **HCS** for **HB 161** be adopted.

Senator Parson offered **SS** for **SCS** for **HCS** for **HB 161**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 161

An Act to repeal sections 67.1000, 67.1002, 67.1003, 67.1005, 67.1006, 67.1303, 67.1956, 94.900, and 181.060, RSMo, and to enact in lieu thereof nine new sections relating to certain taxes imposed by local governments.

Senator Parson moved that **SS** for **SCS** for **HCS** for **HB 161** be adopted, which motion prevailed.

Senator Ridgeway assumed the Chair.

On motion of Senator Parson, **SS** for **SCS** for **HCS** for **HB 161** was read the 3rd time and passed by the following vote:

YEAS—Senators

Callahan	Chappelle-Nadal	Crowell	Curls	Dempsey	Dixon	Engler	Goodman
Justus	Kehoe	Lamping	Mayer	McKenna	Munzlinger	Parson	Pearce
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—25

NAYS—Senators

Brown	Cunningham	Green	Keaveny	Kraus	Lager	Lembke	Nieves
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Purgason—9

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Parson, title to the bill was agreed to.

Senator Parson moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Lager moved that the Senate refuse to recede from its position on **SCS** for **HB 737**, and grant the House a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 430**, with **SCS**, entitled:

An Act to repeal sections 301.3084, 302.181, 304.120, 387.040, 387.050, 387.080, 387.110, 387.207, 390.051, 390.061, 390.116, 390.280, and 571.101, RSMo, and to enact in lieu thereof twenty new sections relating to transportation.

Was called from the Informal Calendar and taken up by Senator Stouffer.

SCS for **HCS** for **HB 430**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 430

An Act to repeal sections 21.795, 70.441, 144.030, 226.095, 226.520, 227.107, 301.010, 301.3084, 302.181, 302.291, 302.309, 302.341, 302.700, 304.120, 304.200, 304.820, 323.020, 387.040, 387.050, 387.080, 387.110, 387.207, 390.051, 390.061, 390.116, 390.280, 558.021, 571.101, and 577.023, RSMo, and to enact in lieu thereof thirty-eight new sections relating to transportation, with existing penalty provisions and a contingent effective dates for certain sections.

Was taken up.

Senator Stouffer moved that **SCS** for **HCS** for **HB 430** be adopted.

Senator Stouffer offered **SS** for **SCS** for **HCS** for **HB 430**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 430

An Act to repeal sections 21.795, 70.441, 144.030, 226.095, 226.520, 227.107, 301.010, 301.147, 301.225, 301.559, 301.560, 301.562, 302.181, 302.291, 302.309, 302.341, 302.700, 304.120, 304.180, 304.200, 387.040, 387.050, 387.080, 387.110, 387.207, 390.051, 390.061, 390.116, 390.280, 558.021, 571.101, and 577.023, RSMo, and to enact in lieu thereof forty-three new sections relating to transportation, with penalty provisions, a contingent effective dates for certain sections, and effective dates for certain sections.

Senator Stouffer moved that **SS** for **SCS** for **HCS** for **HB 430** be adopted.

Senator Green raised the point of order that **SS** for **SCS** and **SCS** are out of order as they go beyond the scope and title of the underlying bill.

The point of order was referred to the President Pro Tem who took it under advisement, which placed the bill back on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 32**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCS** for **HCR 39**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS**, as amended, for **SCS** for **HB 137** and has taken up and passed **SS** for **SCS** for **HB 137**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 641** and has taken up and passed **SCS** for **HCS** for **HB 641**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HCS** for **HB 197** and has taken up and passed **HCS** for **HB 197**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1** to **HB 340** and has taken up and passed **HB 340**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **HCS** for **HB 338** and has taken up and passed **SS** for **HCS** for **HB 338**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 578** and has taken up and passed **SCS** for **HCS** for **HB 578**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HB 282**, as amended and has taken up and passed **SS** for **SCS** for **HB 282**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HCS** for **HB 604** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 604**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 591** and has taken up and passed **SCS** for **HB 591**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS No. 2**, as amended, for **HB 648** and has taken up and passed **SS No. 2** for **HB 648**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 284**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 270**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SCS** for **SB 270**, as amended. Representatives: Dugger, Wells, Smith (150), Conway (27) and Newman.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 323**.

With House Amendment Nos. 1 and 3.

HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 323, Page 2, Section 29.375, Line 20, by inserting after all of said section and line, the following:

“215.020. 1. There is hereby created and established as a governmental instrumentality of the state of Missouri the “Missouri Housing Development Commission” which shall constitute a body corporate and politic.

2. The commission shall consist of the governor, lieutenant governor, the state treasurer, the state attorney general, and six members to be selected by the governor, with the advice and consent of the senate. The persons to be selected by the governor shall be individuals knowledgeable in the areas of housing, finance or construction. Not more than four of the members appointed by the governor shall be from the same political party. The members of the commission appointed by the governor shall serve the following terms: Two shall serve two years, two shall serve three years, and two shall serve four years, respectively. Thereafter, each appointment shall be for a term of four years. If for any reason a vacancy occurs, the governor, with the advice and consent of the senate, shall appoint a new member to fill the unexpired term. Members are eligible for reappointment.

3. Six members of the commission shall constitute a quorum. No vacancy in the membership of the commission shall impair the right of a quorum to exercise all the rights and perform all the duties of the commission. No action shall be taken by the commission except upon the affirmative vote of at least six of the members of the commission.

4. Each member of the commission appointed by the governor is entitled to compensation of fifty dollars

per diem plus his reasonable and necessary expenses actually incurred in discharging his duties under sections 215.010 to 215.250.

5. The department staff shall report to an executive director who shall be appointed by the governor and such executive director shall implement only those policies which are presented by the executive director and approved by the commission.

6. The employment of the executive director, including the executive director serving in such capacity on the effective date of this section, shall be subject to the advice and consent of the senate in the same manner as an appointment subject to the provisions of article IV, section 51 of the Missouri Constitution and shall be for a term of three years subject to reappointment for additional terms. Each additional term shall be subject to the advice and consent of the senate.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 323, Page 2, Section 29.375, Line 20, by inserting after all of said line the following:

“4. In addition, a comparative audit of the Missouri House of Representatives and the Missouri Senate shall be performed.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mayer appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 284**, as amended: Senators Wasson, Parson, Richard, Callahan and Curls.

President Pro Tem Mayer appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 270**, as amended: Senators Kraus, Engler, Cunningham, Justus and Wright-Jones.

PRIVILEGED MOTIONS

Senator Lager moved that **SB 187**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 187**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 187

An Act to repeal sections 67.402, 226.720, and 537.296, RSMo, and to enact in lieu thereof three new sections relating to nuisance actions, with penalty provisions.

Was taken up.

Senator Lager moved that **HCS** for **SB 187** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Crowell	Cunningham	Dempsey	Dixon	Engler	Goodman
Kehoe	Kraus	Lager	Lamping	Mayer	Munzlinger	Nieves	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schmitt	Stouffer	Wasson—24

NAYS—Senators

Chappelle-Nadal	Curls	Green	Justus	Keaveny	Lembke	McKenna	Wright-Jones—8
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Absent—Senators

Parson	Schaefer—2
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Absent with leave—Senators—None

Vacancies—None

On motion of Senator Lager, **HCS** for **SB 187** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Crowell	Cunningham	Dempsey	Dixon	Engler	Goodman
Kehoe	Kraus	Lager	Lamping	Mayer	Munzlinger	Nieves	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schmitt	Stouffer	Wasson—24

NAYS—Senators

Chappelle-Nadal	Curls	Green	Justus	Keaveny	Lembke	McKenna	Wright-Jones—8
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Absent—Senators

Parson	Schaefer—2
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Lager, title to the bill was agreed to.

Senator Lager moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Engler, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 282**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 282

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 282, with

House Amendment Nos. 1, 2, 3 and 4, House Amendment No. 1 to House Amendment No. 5, and House Amendment No. 5, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 282, as amended;
2. The Senate recede from its position on Senate Bill No. 282;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 282, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Kevin Engler

/s/ Jay Wasson

/s/ Ron Richard

/s/ Jolie Justus

/s/ Robin Wright-Jones

FOR THE HOUSE:

/s/ Tony Dugger

/s/ Jason Smith

/s/ Stan Cox

/s/ Pat Conway

/s/ Stacey Newman

Senator Engler moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Justus	Keaveny	Kehoe	Kraus	Lamping	Lembke
Mayer	McKenna	Munzlinger	Nieves	Pearce	Purgason	Richard	Ridgeway
Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—31	

NAYS—Senators

Green Lager—2

Absent—Senator Parson—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Engler, **CCS** for **HCS** for **SB 282**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 282

An Act to repeal sections 28.190, 29.280, 30.060, 30.070, 30.080, 52.010, 54.033, 54.330, 78.090, 105.030, 105.040, 105.050, 115.015, 115.123, 115.124, 115.127, 115.241, 115.293, 115.342, 115.601, 115.637, 115.755, and 115.761, RSMo, and to enact in lieu thereof twenty-three new sections relating to elections, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Justus	Keaveny	Kehoe	Kraus	Lamping	Lembke
Mayer	McKenna	Munzlinger	Nieves	Pearce	Purgason	Richard	Ridgeway
Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—31	

NAYS—Senators

Green Lager—2

Absent—Senator Parson—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Senator Keaveny, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 59**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 59

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 59, with House Amendment Nos. 1, 2, 3, 4, 5 & 6, House Amendment No. 1 to House Amendment No. 7, and House Amendment No. 7, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 59, as amended;
2. The Senate recede from its position on Senate Bill No. 59;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 59, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Joseph P. Keaveny
/s/ Jack A.L. Goodman
/s/ Jason Crowell
/s/ Luann Ridgeway

FOR THE HOUSE:

/s/ John Diehl
/s/ Stan Cox
/s/ Caleb Jones
/s/ Chris Kelly

/s/ Jolie Justus

/s/ Kevin McManus

Senator Keaveny moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Parson—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Keaveny, **CCS** for **HCS** for **SB 59**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 59

An Act to repeal sections 404.710, 456.3-301, 456.5-505, 456.8-813, 469.411, 469.437, 469.459, 475.060, 475.061, 475.115, 482.305, and 482.315, RSMo, and to enact in lieu thereof forty-two new sections relating to judicial procedures.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Parson—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Keaveny, title to the bill was agreed to.

Senator Keaveny moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Stouffer moved that **HCS** for **HB 430**, with **SCS**, **SS** for **SCS** and point of order (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Green, the point of order was withdrawn.

SS for **SCS** for **HCS** for **HB 430**, was again taken up.

Senator Stouffer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 430, Pages 79-83, Section 302.181, by striking all of said section from the bill; and

Further amend said bill, pages 83 to 87, section 302.291, by striking all of said section from the bill; and

Further amend said bill, pages 137 to 146, section 571.101 by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

Senator Stouffer offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 430, Page 116, Section 304.180, Line 12 of said page, by striking the following: “the Arkansas state line” and inserting in lieu thereof the following: “**U.S. Highway 36**”.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

Senator Stouffer offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 430, Page 18, Section 144.030, Line 13 of said page, by striking said line and inserting in lieu thereof the following: “trailers used by [common] carriers [, as defined in section”]; and further amend line 14 of said page, by inserting after “390.020,]” the following: “**who have received federal authority to haul for hire**”.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

Senator Lembke offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 430, Page 118, Section 304.200, Line 11, by inserting immediately after said line the following:

“**304.289. The timing of any traffic-control signal shall conform to regulations promulgated by the**

Department of Transportation. The department of transportation shall establish minimal yellow light change interval times for traffic-control devices. The minimal yellow light change interval time shall be established in accordance with nationally recognized engineering standards set forth in the Manual on Uniform Traffic Control Devices, and any such established time shall not be less than the recognized national standard.”; and

Further amend the title and enacting clause accordingly.

Senator Lembke moved that the above amendment be adopted, which motion prevailed.

Senator Lembke offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 430, Page 78, Section 301.4036, Line 29, by inserting after all of said line the following:

“302.010. Except where otherwise provided, when used in this chapter, the following words and phrases mean:

(1) “Circuit court”, each circuit court in the state;

(2) “Commercial motor vehicle”, a motor vehicle designed or regularly used for carrying freight and merchandise, or more than fifteen passengers;

(3) “Conviction”, any final conviction; also a forfeiture of bail or collateral deposited to secure a defendant’s appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction, except that when any conviction as a result of which points are assessed pursuant to section 302.302 is appealed, the term “conviction” means the original judgment of conviction for the purpose of determining the assessment of points, and the date of final judgment affirming the conviction shall be the date determining the beginning of any license suspension or revocation pursuant to section 302.304;

(4) “Director”, the director of revenue acting directly or through the director’s authorized officers and agents;

(5) “Farm tractor”, every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry;

(6) “Highway”, any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways, or alleys in any municipality;

(7) “Incompetent to drive a motor vehicle”, a person who has become physically incapable of meeting the prescribed requirements of an examination for an operator’s license, or who has been adjudged by a probate division of the circuit court in a capacity hearing of being incapacitated;

(8) “License”, a license issued by a state to a person which authorizes a person to operate a motor vehicle;

(9) “Motor vehicle”, any self-propelled vehicle not operated exclusively upon tracks except motorized bicycles, as defined in section 307.180;

(10) “Motorcycle”, a motor vehicle operated on two wheels; however, this definition shall not include motorized bicycles as defined in section 301.010;

(11) “Motortricycle”, a motor vehicle operated on three wheels, including a motorcycle operated with any conveyance, temporary or otherwise, requiring the use of a third wheel;

(12) “Moving violation”, that character of traffic violation where at the time of violation the motor vehicle involved is in motion, except that the term does not include the driving of a motor vehicle without a valid motor vehicle registration license, or violations of sections 304.170 to 304.240, inclusive, relating to sizes and weights of vehicles. **The term “moving violation” shall also include any violation of any state law, county ordinance, or municipal ordinance governing the operation of a motor vehicle with respect to violations described in section 304.010 and sections 304.271 to 304.331. Such traffic violations shall be deemed moving violations regardless of how such violations are enforced or whether or not such violations are committed within or outside the presence of a law enforcement officer at the time of the violation;**

(13) “Municipal court”, every division of the circuit court having original jurisdiction to try persons for violations of city ordinances;

(14) “Nonresident”, every person who is not a resident of this state;

(15) “Operator”, every person who is in actual physical control of a motor vehicle upon a highway;

(16) “Owner”, a person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of sections 302.010 to 302.540;

(17) “Record” includes, but is not limited to, papers, documents, facsimile information, microphotographic process, electronically generated or electronically recorded information, digitized images, deposited or filed with the department of revenue;

(18) “Residence address”, “residence”, or “resident address” shall be the location at which a person has been physically present, and that the person regards as home. A residence address is a person’s true, fixed, principal, and permanent home, to which a person intends to return and remain, even though currently residing elsewhere;

(19) “Restricted driving privilege”, a driving privilege issued by the director of revenue following a suspension of driving privileges for the limited purpose of driving in connection with the driver’s business, occupation, employment, formal program of secondary, postsecondary or higher education, or for an alcohol education or treatment program or certified ignition interlock provider;

(20) “School bus”, when used in sections 302.010 to 302.540, means any motor vehicle, either publicly or privately owned, used to transport students to and from school, or to transport pupils properly chaperoned to and from any place within the state for educational purposes. The term “school bus” shall not include a bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interstate transportation of passengers when such bus is not traveling a specific school bus route but is:

(a) On a regularly scheduled route for the transportation of fare-paying passengers; or

(b) Furnishing charter service for the transportation of persons enrolled as students on field trips or other special trips or in connection with other special events;

(21) “School bus operator”, an operator who operates a school bus as defined in subdivision (20) of this section in the transportation of any schoolchildren and who receives compensation for such service. The term “school bus operator” shall not include any person who transports schoolchildren as an incident to employment with a school or school district, such as a teacher, coach, administrator, secretary, school nurse, or janitor unless such person is under contract with or employed by a school or school district as a school bus operator;

(22) “Signature”, any method determined by the director of revenue for the signing, subscribing or verifying of a record, report, application, driver’s license, or other related document that shall have the same validity and consequences as the actual signing by the person providing the record, report, application, driver’s license or related document;

(23) “Substance abuse traffic offender program”, a program certified by the division of alcohol and drug abuse of the department of mental health to provide education or rehabilitation services pursuant to a professional assessment screening to identify the individual needs of the person who has been referred to the program as the result of an alcohol- or drug-related traffic offense. Successful completion of such a program includes participation in any education or rehabilitation program required to meet the needs identified in the assessment screening. The assignment recommendations based upon such assessment shall be subject to judicial review as provided in subsection 14 of section 302.304 and subsections 1 and 5 of section 302.540;

(24) “Vehicle”, any mechanical device on wheels, designed primarily for use, or used on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by handicapped persons.”; and

Further amend the title and enacting clause accordingly.

Senator Lembke moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Lembke offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 430, Page 111, Section 304.120, Line 11, by inserting after all of said line the following:

“304.152. All moving violations, as that term is defined in section 302.010, shall be subject to the assessment of points as provided under subsection 1 of section 302.302, notwithstanding any provision of a municipal or county ordinance to the contrary. No county, city, town, village, municipality, or other political subdivision of this state may enact, adopt or enforce any law, ordinance, regulation, or order that authorizes the prosecution or enforcement of a moving violation without the assessment of points. Nor shall any political subdivision of this state enact an ordinance that provides that no points will be assessed for a violation that is a moving violation in nature. Any law, ordinance, regulation, or order that violates or circumvents the provisions of this section, section 302.010, section 302.302, or section 302.225 shall be null and void.”; and

Further amend the title and enacting clause accordingly.

Senator Lembke moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Kehoe, Nieves, McKenna and Schaaf.

SA 6 failed of adoption by the following vote:

YEAS—Senators

Crowell	Cunningham	Goodman	Kraus	Lembke	Mayer	Nieves	Ridgeway
Schaaf—9							

NAYS—Senators

Brown	Callahan	Chappelle-Nadal	Curls	Dempsey	Dixon	Engler	Green
Justus	Keaveny	Kehoe	Lager	Lamping	McKenna	Munzlinger	Pearce
Richard	Rupp	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—23	

Absent—Senators

Parson	Purgason—2
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Absent with leave—Senators—None

Vacancies—None

Senator Lager assumed the Chair.

Senator Lembke offered **SA 7**:**SENATE AMENDMENT NO. 7**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 430, Page 28, Section 144.030, Line 20, by inserting after all of said line the following:

“136.055. 1. Any person who is selected or appointed by the state director of revenue as provided in subsection 2 of this section to act as an agent of the department of revenue, whose duties shall be the processing of motor vehicle title and registration transactions and the collection of sales and use taxes when required under sections 144.070 and 144.440, and who receives no salary from the department of revenue, shall be authorized to collect from the party requiring such services additional fees as compensation in full and for all services rendered on the following basis:

(1) For each motor vehicle or trailer registration issued, renewed or transferred--three dollars and fifty cents and seven dollars for those licenses sold or biennially renewed pursuant to section 301.147;

(2) For each application or transfer of title--two dollars and fifty cents;

(3) For each instruction permit, nondriver license, chauffeur's, operator's or driver's license issued for a period of three years or less--two dollars and fifty cents and five dollars for licenses or instruction permits issued or renewed for a period exceeding three years;

(4) For each notice of lien processed--two dollars and fifty cents;

(5) No notary fee or other fee or additional charge shall be paid or collected except for electronic telephone transmission reception--two dollars.

2. The director of revenue shall award fee office contracts under this section through a competitive bidding process. The competitive bidding process shall give priority to organizations and entities that are exempt from taxation under Section 501(c)(3) or 501(c)(6) of the Internal Revenue Code of 1986, as amended, and political subdivisions, including but not limited to, municipalities, counties, and fire

protection districts. The director of the department of revenue may promulgate rules and regulations necessary to carry out the provisions of this subsection. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this subsection shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

3. All fees collected by a tax-exempt organization may be retained and used by the organization.

4. All fees charged shall not exceed those in this section. The fees imposed by this section shall be collected by all permanent offices and all full-time or temporary offices maintained by the department of revenue.

5. Any person acting as agent of the department of revenue for the sale and issuance of registrations, licenses, and other documents related to motor vehicles shall have an insurable interest in all license plates, licenses, tabs, forms and other documents held on behalf of the department.

6. Any person acting as agent of the department of revenue for the collection of sales and use tax when required under sections 144.070 and 144.440 shall be entitled to deduct and retain an amount equal to two percent of the motor vehicle sales tax under section 144.140 to offset the actual cost incurred by such person, on behalf of the department of revenue, in the collection of such taxes in accordance with the provisions of Article IV Section 30(b) of the Missouri Constitution.

7. The fees authorized by this section shall not be collected by motor vehicle dealers acting as agents of the department of revenue under section 32.095 or those motor vehicle dealers authorized to collect and remit sales tax under subsection 8 of section 144.070.

[7.] **8.** Notwithstanding any other provision of law to the contrary, the state auditor may audit all records maintained and established by the fee office in the same manner as the auditor may audit any agency of the state, and the department shall ensure that this audit requirement is a necessary condition for the award of all fee office contracts. No confidential records shall be divulged in such a way to reveal personally identifiable information.”; and

Further amend the title and enacting clause accordingly.

Senator Lembke moved that the above amendment be adopted, which motion prevailed.

Senator Stouffer offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 430, Page 155, Section C, Lines 2-13, by striking all of said section from the bill.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

Senator Wasson offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House

Bill No. 430, Page 87, Section 302.291, Line 12, by inserting after all of said line the following:

“302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:

(1) Any moving violation of a state law or county or municipal or federal traffic ordinance or regulation not listed in this section, other than a violation of vehicle equipment provisions or a court-ordered supervision as provided in section 302.303 2 points
(except any violation of municipal stop sign ordinance where no accident is involved 1 point)

(2) Speeding
In violation of a state law 3 points
In violation of a county or municipal ordinance 2 points

(3) Leaving the scene of an accident
in violation of section 577.060 12 points
In violation of any county or municipal ordinance 6 points

(4) Careless and imprudent driving
in violation of subsection 4 of section 304.016 4 points
In violation of a county or municipal ordinance 2 points

(5) Operating without a valid license
in violation of subdivision (1) or (2) of subsection 1 of section 302.020:

- (a) For the first conviction 2 points
- (b) For the second conviction 4 points
- (c) For the third conviction 6 points

(6) Operating with a suspended or revoked license prior to restoration of operating privileges 12 points

(7) Obtaining a license by misrepresentation 12 points

- (8) For the first conviction of driving while in an intoxicated condition or under the influence of controlled substances or drugs 8 points
- (9) For the second or subsequent conviction of any of the following offenses however combined:
driving while in an intoxicated condition, driving under the influence of controlled substances or drugs or driving with a blood alcohol content of eight-hundredths of one percent or more by weight 12 points
- (10) For the first conviction for driving with blood alcohol content eight-hundredths of one percent or more by weight
In violation of state law 8 points
In violation of a county or municipal ordinance or federal law or regulation 8 points
- (11) Any felony involving the use of a motor vehicle 12 points
- (12) Knowingly permitting unlicensed operator to operate a motor vehicle 4 points
- (13) For a conviction for failure to maintain financial responsibility pursuant to county or municipal ordinance or pursuant to section 303.025 4 points
- (14) Endangerment of a highway worker in violation of section 304.585 4 points
- (15) Aggravated endangerment of a highway worker in violation of section 304.585 12 points

(16) For a conviction of violating a municipal ordinance that prohibits tow truck operators from stopping at or proceeding to the scene of an accident unless they have been requested to stop or proceed to such scene by a party involved in such accident or by an officer of a public safety agency 4 points

(17) Endangerment of an emergency responder in violation of section 304.894 4 points

(18) Aggravated endangerment of an emergency responder in violation of section 304.894 12 points

2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section 302.020, when the director issues such operator a license or permit pursuant to the provisions of sections 302.010 to 302.340.

3. An additional two points shall be assessed when personal injury or property damage results from any violation listed in subdivisions (1) to (13) of subsection 1 of this section and if found to be warranted and certified by the reporting court.

4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this section constitutes both a violation of a state law and a violation of a county or municipal ordinance, points may be assessed for either violation but not for both. Notwithstanding that an offense arising out of the same occurrence could be construed to be a violation of subdivisions (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for offenses arising out of the same occurrence.

5. The director of revenue shall put into effect a system for staying the assessment of points against an operator. The system shall provide that the satisfactory completion of a driver-improvement program or, in the case of violations committed while operating a motorcycle, a motorcycle-rider training course approved by the state highways and transportation commission, by an operator, when so ordered and verified by any court having jurisdiction over any law of this state or county or municipal ordinance, regulating motor vehicles, other than a violation committed in a commercial motor vehicle as defined in section 302.700 or a violation committed by an individual who has been issued a commercial driver's license or is required to obtain a commercial driver's license in this state or any other state, shall be accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2) or (4) of subsection 1 of this section or pursuant to subsection 3 of this section. A court using a centralized violation bureau established under section 476.385 may elect to have the bureau order and verify completion of a driver-improvement program or motorcycle-rider training course as prescribed by order of the court. For the purposes of this subsection, the driver-improvement program shall meet or exceed the standards of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation which

occurred during the operation of a motorcycle, the program shall meet the standards established by the state highways and transportation commission pursuant to sections 302.133 to 302.137. The completion of a driver-improvement program or a motorcycle-rider training course shall not be accepted in lieu of points more than one time in any thirty-six-month period and shall be completed within sixty days of the date of conviction in order to be accepted in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions of this subsection shall, within fifteen days after completion of the driver-improvement program or motorcycle-rider training course by an operator, forward a record of the completion to the director, all other provisions of the law to the contrary notwithstanding. The director shall establish procedures for record keeping and the administration of this subsection.”; and

Further amend said bill, Page 118, Section 304.200, Line 11, by inserting after all of said line the following:

“304.890. As used in sections 304.890 to 304.894, the following terms shall mean:

(1) “Active emergency”, any incident occurring on a highway, as the term “highway” is defined in section 302.010, that requires emergency services from any emergency responder;

(2) “Active emergency zone”, any area upon or around any highway, which is visibly marked by emergency responders performing work for the purpose of emergency response, and where an active emergency, or incident removal, is temporarily occurring. This area includes the lanes of highway leading up to an active emergency or incident removal, beginning within three hundred feet of visual sighting of:

(a) Appropriate signs or traffic control devices posted or placed by emergency responders; or

(b) An emergency vehicle displaying active emergency lights or signals;

(3) “Emergency responder”, any law enforcement officer, paid or volunteer firefighter, first responder, emergency medical worker, tow truck operator, or other emergency personnel responding to an emergency on a highway.

304.892. 1. Upon the first conviction, finding of guilt, or plea of guilty by any person for a moving violation, as the term “moving violation” is defined in section 302.010, or any offense listed in section 302.302, other than a violation described in subsection 2 of this section, when the violation or offense occurs within an active emergency zone, the court shall assess a fine of thirty-five dollars in addition to any other fine authorized by law. Upon a second or subsequent conviction, finding of guilt, or plea of guilty, the court shall assess a fine of seventy-five dollars in addition to any other fine authorized by law.

2. Upon the first conviction, finding of guilt, or plea of guilty by any person for a speeding violation under either section 304.009 or 304.010, or a passing violation under subsection 3 of this section, when the violation or offense occurs within an active emergency zone and emergency responders were present in such zone at the time of the offense or violation, the court shall assess a fine of two hundred fifty dollars in addition to any other fine authorized by law. Upon a second or subsequent conviction, finding of guilt, or plea of guilty, the court shall assess a fine of three hundred dollars in addition to any other fine authorized by law. However, no person assessed an additional fine under this subsection shall also be assessed an additional fine under subsection 1 of this section.

3. The driver of a motor vehicle may not overtake or pass another motor vehicle within an active

emergency zone. Violation of this subsection is a class C misdemeanor.

4. The additional fines imposed by this section shall not be construed to enhance the assessment of court costs or the assessment of points under section 302.302.

304.894. 1. A person commits the offense of endangerment of an emergency responder for any of the following offenses when the offense occurs within an active emergency zone:

(1) Exceeding the posted speed limit by fifteen miles per hour or more;

(2) Passing in violation of subsection 3 of section 304.892;

(3) Failure to stop for an active emergency zone flagman or emergency responder, or failure to obey traffic control devices erected, or personnel posted, in the active emergency zone for purposes of controlling the flow of motor vehicles through the zone;

(4) Driving through or around an active emergency zone via any lane not clearly designated for motorists to control the flow of traffic through or around the active emergency zone;

(5) Physically assaulting, attempting to assault, or threatening to assault an emergency responder with a motor vehicle or other instrument;

(6) Intentionally striking, moving, or altering barrels, barriers, signs, or other devices erected to control the flow of traffic to protect emergency responders and motorists unless the action was necessary to avoid an obstacle, an emergency, or to protect the health and safety of an occupant of the motor vehicle or of another person; or

(7) Committing any of the following offenses for which points may be assessed under section 302.302:

(a) Leaving the scene of an accident in violation of section 577.060;

(b) Careless and imprudent driving in violation of subsection 4 of section 304.016;

(c) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020;

(d) Operating with a suspended or revoked license;

(e) Driving while in an intoxicated condition or under the influence of controlled substances or drugs or driving with an excessive blood alcohol content;

(f) Any felony involving the use of a motor vehicle.

2. Upon a finding of guilt or a plea of guilty for committing the offense of endangerment of an emergency responder under subsection 1 of this section, if no injury or death to an emergency responder resulted from the offense, the court shall assess a fine of not more than one thousand dollars, and four points shall be assessed to the operator's license pursuant to section 302.302.

3. A person commits the offense of aggravated endangerment of an emergency responder upon a finding of guilt or a plea of guilty for any offense under subsection 1 of this section when such offense results in the injury or death of an emergency responder. Upon a finding of guilt or a plea of guilty for committing the offense of aggravated endangerment of an emergency responder, in addition to any other penalty authorized by law, the court shall assess a fine of not more than five thousand dollars if the offense resulted in injury to an emergency responder, and ten thousand dollars if the

offense resulted in the death of an emergency responder. In addition, twelve points shall be assessed to the operator's license pursuant to section 302.302.

4. Except for the offense established under subdivision (6) of subsection 1 of this section, no person shall be deemed to have committed the offense of endangerment of an emergency responder except when the act or omission constituting the offense occurred when one or more emergency responders were responding to an active emergency.

5. No person shall be cited for, or found guilty of, endangerment of an emergency responder or aggravated endangerment of an emergency responder, for any act or omission otherwise constituting an offense under subsection 1 of this section, if such act or omission resulted in whole or in part from mechanical failure of the person's vehicle, or from the negligence of another person or emergency responder.”; and

Further amend the title and enacting clause accordingly.

Senator Wasson moved that the above amendment be adopted, which motion prevailed.

Senator Stouffer offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 430, Page 33, Section 226.520, Line 2 of said page, by inserting after all of said line the following:

“226.540. Notwithstanding any other provisions of sections 226.500 to 226.600, outdoor advertising shall be permitted within six hundred and sixty feet of the nearest edge of the right-of-way of highways located on the interstate, federal-aid primary system as it existed on June 1, 1991, or the national highway system as amended in areas zoned industrial, commercial or the like and in unzoned commercial and industrial areas as defined in this section, subject to the following regulations which are consistent with customary use in this state:

(1) Lighting:

(a) No revolving or rotating beam or beacon of light that simulates any emergency light or device shall be permitted as part of any sign. No flashing, intermittent, or moving light or lights will be permitted except scoreboards and other illuminated signs designating public service information, such as time, date, or temperature, or similar information, will be allowed; tri-vision, projection, and other changeable message signs shall be allowed subject to Missouri highways and transportation commission regulations;

(b) External lighting, such as floodlights, thin line and gooseneck reflectors are permitted, provided the light source is directed upon the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the main traveled way of the federal-aid primary highways as of June 1, 1991, and all highways designated as part of the National Highway System by the National Highway System Designation Act of 1995 and those highways subsequently designated as part of the National Highway System and the lights are not of such intensity so as to cause glare, impair the vision of the driver of a motor vehicle, or otherwise interfere with a driver's operation of a motor vehicle;

(c) No sign shall be so illuminated that it interferes with the effectiveness of, or obscures, an official traffic sign, device, or signal;

(2) Size of signs:

(a) The maximum area for any one sign shall be eight hundred square feet with a maximum height of thirty feet and a maximum length of seventy-two feet, inclusive of border and trim but excluding the base or apron, supports, and other structural members. The area shall be measured as established herein and in rules promulgated by the commission. In determining the size of a conforming or nonconforming sign structure, temporary cutouts and extensions installed for the length of a specific display contract shall not be considered a substantial increase to the size of the permanent display; provided the actual square footage of such temporary cutouts or extensions may not exceed thirty-three percent of the permanent display area. Signs erected in accordance with the provisions of sections 226.500 to 226.600 prior to August 28, 2002, which fail to meet the requirements of this provision shall be deemed legally nonconforming as defined herein;

(b) The maximum size limitations shall apply to each side of a sign structure, and signs may be placed back to back, double faced, or in V-type construction with not more than two displays to each facing, but such sign structure shall be considered as one sign;

(c) After August 28, 1999, no new sign structure shall be erected in which two or more displays are stacked one above the other. Stacked structures existing on or before August 28, 1999, in accordance with sections 226.500 to 226.600 shall be deemed legally nonconforming and may be maintained in accordance with the provisions of sections 226.500 to 226.600. Structures displaying more than one display on a horizontal basis shall be allowed, provided that total display areas do not exceed the maximum allowed square footage for a sign structure pursuant to the provisions of paragraph (a) of this subdivision;

(3) Spacing of signs:

(a) On all interstate highways, freeways, and nonfreeway federal-aid primary highways as of June 1, 1991, and all highways designated as part of the National Highway System by the National Highway System Designation Act of 1995 and those highways subsequently designated as part of the National Highway System:

a. No sign structure shall be erected within one thousand four hundred feet of an existing sign on the same side of the highway;

b. Outside of incorporated municipalities, no structure may be located adjacent to or within five hundred feet of an interchange, intersection at grade, or safety rest area. Such five hundred feet shall be measured from the beginning or ending of the pavement widening at the exit from or entrance to the main traveled way. For purpose of this subparagraph, the term "incorporated municipalities" shall include "urban areas", except that such "urban areas" shall not be considered "incorporated municipalities" if it is finally determined that such would have the effect of making Missouri be in noncompliance with the requirements of Title 23, United States Code, Section 131;

(b) The spacing between structure provisions of this subdivision do not apply to signs which are separated by buildings, natural surroundings, or other obstructions in such manner that only one sign facing located within such distance is visible at any one time. Directional or other official signs or those advertising the sale or lease of the property on which they are located, or those which advertise activities on the property on which they are located, including products sold, shall not be counted, nor shall measurements be made from them for the purpose of compliance with spacing provisions;

(c) No sign shall be located in such manner as to obstruct or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device or obstruct or physically interfere with a motor

vehicle operator's view of approaching, merging, or intersecting traffic;

(d) The measurements in this section shall be the minimum distances between outdoor advertising sign structures measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway and shall apply only to outdoor advertising sign structures located on the same side of the highway involved;

(4) As used in this section, the words “unzoned commercial and industrial land” shall be defined as follows: that area not zoned by state or local law or ordinance and on which there is located one or more permanent structures used for a commercial business or industrial activity or on which a commercial or industrial activity is actually conducted together with the area along the highway extending outwardly seven hundred fifty feet from and beyond the edge of such activity. All measurements shall be from the outer edges of the regularly used improvements, buildings, parking lots, landscaped, storage or processing areas of the commercial or industrial activity and along and parallel to the edge of the pavement of the highway. Unzoned land shall not include:

(a) Land on the opposite side of the highway from an unzoned commercial or industrial area as defined in this section and located adjacent to highways located on the interstate, federal-aid primary system as it existed on June 1, 1991, or the national highway system as amended, unless the opposite side of the highway qualifies as a separate unzoned commercial or industrial area; or

(b) Land zoned by a state or local law, regulation, or ordinance;

(5) “Commercial or industrial activities” as used in this section means those which are generally recognized as commercial or industrial by zoning authorities in this state, except that none of the following shall be considered commercial or industrial:

(a) Outdoor advertising structures;

(b) Agricultural, forestry, ranching, grazing, farming, and related activities, including seasonal roadside fresh produce stands;

(c) Transient or temporary activities;

(d) Activities more than six hundred sixty feet from the nearest edge of the right-of-way or not visible from the main traveled way;

(e) Activities conducted in a building principally used as a residence;

(f) Railroad tracks and minor sidings;

(6) The words “unzoned commercial or industrial land” shall also include all areas not specified in this section which constitute an “unzoned commercial or industrial area” within the meaning of the present Section 131 of Title 23 of the United States Code, or as such statute may be amended. As used in this section, the words “zoned commercial or industrial area” shall refer to those areas zoned commercial or industrial by the duly constituted zoning authority of a municipality, county, or other lawfully established political subdivision of the state, or by the state and which is within seven hundred fifty feet of one or more permanent commercial or industrial activities. Commercial or industrial activities as used in this section are limited to those activities:

(a) In which the primary use of the property is commercial or industrial in nature;

(b) Which are clearly visible from the highway and recognizable as a commercial business;

(c) Which are permanent as opposed to temporary or transitory and of a nature that would customarily be restricted to commercial or industrial zoning in areas comprehensively zoned; and

(d) In determining whether the primary use of the property is commercial or industrial pursuant to paragraph (a) of this subdivision, the state highways and transportation commission shall consider the following factors:

- a. The presence of a permanent and substantial building;
- b. The existence of utilities and local business licenses, if any, for the commercial activity;
- c. On-premise signs or other identification;
- d. The presence of an owner or employee on the premises for at least twenty hours per week;

(7) In zoned commercial and industrial areas, whenever a state, county or municipal zoning authority has adopted laws or ordinances which include regulations with respect to the size, lighting and spacing of signs, which regulations are consistent with the intent of sections 226.500 to 226.600 and with customary use, then from and after the effective date of such regulations, and so long as they shall continue in effect, the provisions of this section shall not apply to the erection of signs in such areas. Notwithstanding any other provisions of this section, after August 28, 1992, with respect to any outdoor advertising which is regulated by the provisions of subdivision (1), (3) or (4) of section 226.520 or subsection 1 of section 226.527:

(a) No county or municipality shall issue a permit to allow a regulated sign to be newly erected without a permit issued by the state highways and transportation commission;

(b) A county or municipality may charge a reasonable one-time permit or inspection fee to assure compliance with local wind load and electrical requirements when the sign is first erected, but a county or municipality may not charge a permit or inspection fee for such sign after such initial fee. Changing the display face or performing routine maintenance shall not be considered as erecting a new sign;

(c) Local regulations adopted pursuant to this section or section 71.288 may be more restrictive than the size, lighting, and spacing provisions specified in this section, provided such local regulations allow for customary usage and comply with the intent of this section. Local regulations may not prohibit off-premise outdoor advertising structures on commercial or industrial property within six hundred sixty feet of federal aid primary or interstate highways. In the event a local regulation is determined by the courts to be prohibitive, unreasonable, or failing to allow for customary usage; statutory size, lighting, and spacing regulations shall automatically apply in such areas until such time as a valid local ordinance complying with the requirements under this section is adopted by the local zoning authority;

(8) The state highways and transportation commission on behalf of the state of Missouri, may seek agreement with the Secretary of Transportation of the United States under Section 131 of Title 23, United States Code, as amended, that sections 226.500 to 226.600 are in conformance with that Section 131 and provides effective control of outdoor advertising signs as set forth therein. If such agreement cannot be reached and the penalties under subsection (b) of Section 131 are invoked, the attorney general of this state shall institute proceedings described in subsection (1) of that Section 131.

226.541. 1. As used in this section, the following words or phrases mean:

- (1) “Conforming out of standard signs”, signs that fail to meet the current statutory and**

administrative rule requirements for outdoor advertising but currently comply with the terms of the federal/state agreement and meet the August 27, 1999, statutory and administrative rule requirements that governed outdoor advertising and the highway beautification act of 1965;

(2) “Federal/state agreement”, an agreement executed between the United States Department of Transportation and the state highways and transportation commission on February 22, 1972, for carrying out national policy relative to control of outdoor advertising in areas adjacent to the national system of interstate and defense highways and the federal-aid primary system;

(3) “Reset”, movement of a sign structure from one location to another location on the same or adjoining property, if the adjoining property is zoned commercial or industrial and the owner of the sign has obtained the legal right to erect a sign on the adjoining property from its owner, as authorized by a sign permit amendment and the terms of an executed written partial waiver and reset agreement between the permit owner and the state highways and transportation commission;

(4) “Substantially rebuilt”, any reconstruction or repair of a sign that requires the replacement of fifty-one percent or more of the sign structure's support poles in a twelve-month period.

2. Subject to the provisions of this section, conforming out of standard signs shall be treated as conforming signs under commission administrative rules, including new display technologies, lighting, cutouts, and extensions, except that such signs shall not be substantially rebuilt except in accordance with the provisions of this section. New technologies, lighting, cutouts, and extensions may be utilized on conforming and conforming out of standard signs in accordance with Missouri department of transportation regulations.

3. On the date the commission approves funding for any phase or portion of construction or reconstruction of any street or highway, the rules in effect for outdoor advertising on August 27, 1999, shall be reinstated for that section of highway scheduled for construction and there shall immediately be a moratorium imposed on the issuance of state sign permits for new sign structures.

4. Owners of existing signs which meet the requirements for outdoor advertising in effect on August 27, 1999, and the requirements of the federal/state agreement and who voluntarily execute a partial waiver and reset agreement may reset such signs on the same or adjoining property. Such reset agreements shall be contingent upon obtaining any required local approval to reset the sign structure. Any sign which has been reset must still comply with the August 27, 1999, outdoor advertising regulations after it has been reset.

5. Owners of existing signs who elect to reset qualifying signs shall receive compensation representing the actual cost to reset the existing sign. Signs which have been reset under these provisions must be reconstructed of the same type materials and may not exceed the square footage of the original sign structure.

6. Sign owners may elect to reset existing qualifying signs by executing a partial waiver and reset agreement with the commission. Such agreement shall specify the size, type, and location of the rebuilt sign and the reset expenses to be paid to the owner by the commission. In the event the owner fails to execute such an agreement within one hundred twenty days of receiving written notice the sign will be displaced by construction, the commission shall have the right at its sole discretion to initiate normal condemnation procedures for the compensated removal of the sign.

7. Immediately upon the completion of construction on any section of highway, the moratorium

on new permits shall be lifted and the rules for outdoor advertising in effect on the date the construction is completed shall apply to such section of highway.

8. Local zoning authorities may prohibit the resetting of qualifying signs which fail to comply with local regulations.

9. All signs shall be subject to the biennial inspection fees under section 226.550.”; and

Further amend the title and enacting clause accordingly.

Senator Stouffer moved that the above amendment be adopted.

Senator Justus offered **SA 1** to **SA 10**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 10

Amend Senate Amendment No. 10 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 430, Page 9, Section 226.541, Line 27 of said page, by inserting immediately after the word “section” the following: “**, and if allowed by applicable local regulation**”; and further amend line 3 of page 10, by striking all of said line and inserting in lieu thereof the following: “**with the provisions of this section. If allowed by applicable local regulations, new technologies, lighting,**”.

Senator Justus moved that the above amendment be adopted, which motion prevailed.

SA 10, as amended, was again taken up.

At the request of Senator Stouffer, the above amendment was withdrawn.

Senator Green offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 430, Page 118, Section 304.200, Line 11, by inserting after all of said line the following:

“304.920. 1. A county, city, town, village, municipality, state agency, or other political subdivision shall only employ the use of automated speed enforcement systems to enforce speeding violations in a school zone, construction zone, work zone, or a MoDOT-Designated Travel Safe Zone as defined in section 304.590.

2. As used in this section, the term “automated speed enforcement system” means a device with one or more motor vehicle sensors, including, but not limited to, photographic devices, radar devices, laser devices, or other electrical or mechanical devices, designed to record the speed of a motor vehicle and to obtain a clear photograph or other recorded image of the motor vehicle and the motor vehicle’s license plate, which automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded image of a motor vehicle at the time it is used or operated in violation of the posted speed limit.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Wright-Jones offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House

Bill No. 430, Page 76, Section 301.562, Line 26 of said page, by inserting after all of said line the following:

“301.3084. 1. Any person may receive special license plates as prescribed by this section, for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight[, after an annual contribution of an emblem-use authorization fee to the Friends of the Missouri Women’s Council. Any contribution to the Friends of the Missouri Women’s Council pursuant to this section, except reasonable administrative costs, shall be designated for the sole purpose of providing breast cancer services, including but not limited to screening, treatment, staging, and follow-up services. The Friends of the Missouri Women’s Council hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any person may annually apply for the use of the emblem]. **Upon making a twenty-five dollar annual contribution to the breast cancer awareness fund, established in this section, the vehicle owner may apply for a “Breast Cancer Awareness” license plate. If the contribution is made directly to the state treasurer, the state treasurer shall issue the individual making the contribution a receipt, verifying the contribution, that may be used to apply for the “Breast Cancer Awareness” license plate. If the contribution is made directly to the director of revenue, the director shall note the contribution and the owner may then apply for the “Breast Cancer Awareness” plate. The applicant for such plate must pay a fifteen dollar fee in addition to the regular registration fees and present any other documentation required by law for each set of “Breast Cancer Awareness” plates issued pursuant to this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section.**

2. [Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Friends of the Missouri Women’s Council, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized] **The “Breast Cancer Awareness”** license plate [which] shall bear a graphic design depicting the breast cancer awareness pink ribbon symbol [with the words “Breast Cancer Awareness” forming an oval around the symbol,] and shall bear the words [“MISSOURI WOMEN’S COUNCIL”] **“BREAST CANCER AWARENESS”** in place of the words “SHOW-ME STATE”. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section.

3. A vehicle owner, who was previously issued a plate with a breast cancer awareness emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

4. There is hereby created in the state treasury the “Breast Cancer Awareness Fund” which shall consist of all gifts, donations, transfers, and moneys appropriated by the general assembly, and bequests to the fund. The fund shall be administered by the department of health and senior services.

5. The state treasurer or the director of revenue shall deposit the twenty-five dollar annual contribution in the breast cancer awareness fund. Funds deposited pursuant to subsection 1 of this section shall be used to support breast cancer awareness activities conducted by the department of health and senior services.

6. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Notwithstanding the provisions of section 33.080, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.”; and

Further amend the title and enacting clause accordingly.

Senator Wright-Jones moved that the above amendment be adopted, which motion prevailed.

Senator Schaaf offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 430, Page 118, Section 304.200, Line 11, by inserting after all of said line the following:

“304.286. No county, city, town, village, municipality, state agency, or other political subdivision of this state that is authorized to issue a notice of violation for a violation of a state or local traffic law or regulation, shall use or employ an automated photo red light enforcement system at any intersection within its jurisdiction. As used in this section, the term “automated photo red light enforcement system” shall mean a device, consisting of a camera or cameras and a vehicle sensor or sensors, installed to work in conjunction with a traffic control signal, which is used to produce recorded images of motor vehicles entering an intersection against a red signal indication.”; and

Further amend the title and enacting clause accordingly.

Senator Schaaf moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Crowell, Cunningham, Lembke and Kraus.

SA 13 failed of adoption by the following vote:

YEAS—Senators

Crowell	Cunningham	Goodman	Kraus	Lager	Lembke	Nieves	Purgason
Ridgeway	Rupp	Schaaf	Schmitt—12				

NAYS—Senators

Brown	Callahan	Chappelle-Nadal	Curls	Dempsey	Engler	Green	Justus
Keaveny	Kehoe	Lamping	Mayer	McKenna	Pearce	Richard	Schaefer
Stouffer	Wasson	Wright-Jones—19					

Absent—Senators

Dixon	Munzlinger	Parson—3
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Absent with leave—Senators—None

Vacancies—None

Senator Stouffer moved that **SS** for **SCS** for **HCS** for **HB 430**, as amended, be adopted, which motion prevailed.

Senator Stouffer moved that **SS** for **SCS** for **HCS** for **HB 430**, as amended, be read the 3rd time and passed and was recognized to close.

President Pro Tem Mayer referred **SS** for **SCS** for **HCS** for **HB 430**, as amended, to the Committee on Ways and Means and Fiscal Oversight.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HB 737**. Representatives: Redmon, Funderburk, Houghton, Holsman and Quinn.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SB 284**, as amended. Representatives: Sater, Smith (150), Weter, Jones (63) and Swinger.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 38**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 202**, entitled:

An Act to repeal section 130.028, RSMo, and to enact in lieu thereof one new section relating to labor organizations, with penalty provisions.

With House Amendment Nos. 1, 2 and 3.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 202, Page 2, Section 130.028, Line 48, by inserting after all of said section and line, the following:

“6. Notwithstanding other provisions of the law to the contrary, it shall be unlawful for a public entity or the state to discriminate against or otherwise penalize, punish, or refuse to allow to bid or award a public works contract to a bidder based on the bidders union affiliation or non-union affiliation or agreements to or with unions or non-union entities. The act of discriminating against a bidder based on union or non-union affiliation is a class C misdemeanor and a fine up to \$5,000 shall be levied.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 202, Page 1, Section A, Line 2, by inserting after all of said line the following:

“105.935. 1. Any state employee who has accrued any overtime hours may choose to use those hours as compensatory leave time provided that the leave time is available and agreed upon by both the state employee and his or her supervisor.

2. A state employee who is a nonexempt employee pursuant to the provisions of the Fair Labor Standards Act shall be eligible for payment of overtime in accordance with subsection 4 of this section. A nonexempt state employee who works on a designated state holiday shall be granted equal compensatory time off duty or shall receive, at his or her choice, the employee’s straight time hourly rate in cash payment. A nonexempt state employee shall be paid in cash for overtime unless the employee requests compensatory time off at the applicable overtime rate. As used in this section, the term “state employee” means any person who is employed by the state and earns a salary or wage in a position normally requiring the actual performance by him or her of duties on behalf of the state, but shall not include any employee who is exempt under the provisions of the Fair Labor Standards Act or any employee of the general assembly.

3. Beginning on January 1, 2006, and annually thereafter each department shall pay all nonexempt state employees in full for any overtime hours accrued during the previous calendar year which have not already been paid or used in the form of compensatory leave time. All nonexempt state employees shall have the option of retaining up to a total of eighty compensatory time hours **at any time during the year**.

4. The provisions of subsection 2 of this section shall only apply to nonexempt state employees who are otherwise eligible for compensatory time under the Fair Labor Standards Act, excluding employees of the general assembly. Any nonexempt state employee requesting cash payment for overtime worked shall notify such employee’s department in writing of such decision and state the number of hours, no less than twenty, for which payment is desired. The department shall pay the employee within the calendar month following the month in which a valid request is made. Nothing in this section shall be construed as creating a new compensatory benefit for state employees.

5. Each department shall, by November first of each year, notify the commissioner of administration, the house budget committee chair, and the senate appropriations committee chair of the amount of overtime paid in the previous fiscal year and an estimate of overtime to be paid in the current fiscal year. The fiscal year estimate for overtime pay to be paid by each department shall be designated as a separate line item in the appropriations bill for that department. The provisions of this subsection shall become effective July 1, 2005.

6. Each state department shall report quarterly to the house of representatives budget committee chair, the senate appropriations committee chair, and the commissioner of administration the cumulative number of accrued overtime hours for department employees, the dollar equivalent of such overtime hours, the number of authorized full-time equivalent positions and vacant positions, the amount of funds for any vacant positions which will be used to pay overtime compensation for employees with full-time equivalent positions, and the current balance in the department’s personal service fund.

7. This section is applicable to overtime earned under the Fair Labor Standards Act. This section is applicable to employees who are employed in nonexempt positions providing direct client care or custody in facilities operating on a twenty-four-hour seven-day-a-week basis in the department of corrections, the

department of mental health, the division of youth services of the department of social services, and the veterans commission of the department of public safety.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 202, Page 2, Section 130.028, Line 48, by inserting after all of said line the following:

“429.010. 1. Any person who shall do or perform any work or labor upon land, rent any machinery or equipment, or use any rental machinery or equipment, or furnish any material, fixtures, engine, boiler or machinery for any building, erection or improvements upon land, or for repairing, grading, excavating, or filling of the same, or furnish and plant trees, shrubs, bushes or other plants or provides any type of landscaping goods or services or who installs outdoor irrigation systems under or by virtue of any contract with the owner or proprietor thereof, or his or her agent, trustee, contractor or subcontractor, or without a contract if ordered by a city, town, village or county having a charter form of government to abate the conditions that caused a structure on that property to be deemed a dangerous building under local ordinances pursuant to section 67.410, upon complying with the provisions of sections 429.010 to 429.340, shall have for his or her work or labor done, machinery or equipment rented or materials, fixtures, engine, boiler, machinery, trees, shrubs, bushes or other plants furnished, or any type of landscaping goods or services provided, a lien upon such building, erection or improvements, and upon the land belonging to such owner or proprietor on which the same are situated, to the extent of three acres; or if such building, erection or improvements be upon any lot of land in any town, city or village, or if such building, erection or improvements be for manufacturing, industrial or commercial purposes and not within any city, town or village, then such lien shall be upon such building, erection or improvements, and the lot, tract or parcel of land upon which the same are situated, and not limited to the extent of three acres, to secure the payment of such work or labor done, machinery or equipment rented, or materials, fixtures, engine, boiler, machinery, trees, shrubs, bushes or other plants or any type of landscaping goods or services furnished, or outdoor irrigation systems installed; except that if such building, erection or improvements be not within the limits of any city, town or village, then such lien shall be also upon the land to the extent necessary to provide a roadway for ingress to and egress from the lot, tract or parcel of land upon which such building, erection or improvements are situated, not to exceed forty feet in width, to the nearest public road or highway. Such lien shall be enforceable only against the property of the original purchaser of such plants unless the lien is filed against the property prior to the conveyance of such property to a third person. For claims involving the rental of machinery or equipment to others who use the rental machinery or equipment, the lien shall be for the reasonable rental value of the machinery or equipment during the period of actual use and any periods of nonuse taken into account in the rental contract, while the machinery or equipment is on the property in question.

2. There shall be no lien involving the rental of machinery or equipment unless:

(1) The improvements are made on commercial property;

(2) The amount of the claim exceeds five thousand dollars; and

(3) The party claiming the lien provides written notice within five business days of the commencement of the use of the rental machinery or equipment to the property owner that rental machinery or equipment is being used upon their property. Such notice shall identify the name of the entity that rented the machinery

or equipment, the machinery or equipment being rented, and the rental rate. Nothing contained in this subsection shall apply to persons who use rented machinery or equipment in performing the work or labor described in subsection 1 of this section.

3. (1) No lien shall be permitted on behalf of a collective bargaining unit fringe benefit fund with respect to all employee benefits, dues, and fringe costs arising out of the performance of work by a subcontractor or a lower tier subcontractor unless:

(a) a. The subcontractor or lower tier subcontractor is delinquent, which means being at least thirty days late, in making timely payments of employee benefits, dues, or fringe costs to the fund.

b. If the fund has actual knowledge that the delinquency relates to work performed on a particular project, the fund shall advise the original contractor for the project in question in writing of the fact of such delinquency, identifying the subcontractor or lower tier subcontractor at issue and an approximation of the amount of the obligation at issue within fifteen days after the subcontractor or lower tier subcontractor at issue becomes delinquent in payment.

c. If the fund does not have the actual knowledge described in subparagraph b. of this paragraph at a time that will permit it to comply with the timing requirements of subparagraph b. of this paragraph, the fund shall provide the written notice required by subparagraph b. of this paragraph within ten days after the fund acquires such actual knowledge.

d. An original contractor or subcontractor may make a request in writing for a written confirmation from the fund confirming that for a specific subcontractor or any of its specifically identified lower tier subcontractors with respect to a specifically identified project, all employee benefits, dues, and fringe costs arising out of the performance of the work on such project by the subcontractor and all of its lower tier subcontractors otherwise due to the fund have been paid. Such written requests shall be deemed effective if sent by certified mail, return receipt requested. The fund shall respond in writing by certified mail, return receipt requested, to such a request for confirmation within ten days of the fund's receipt of the request; and

(b) The fund has timely and accurately responded to any request for confirmation made under the terms of paragraph (a) of this subdivision.

(2) The obligations of this subsection shall apply with equal force and effect to like claims by a fund under a payment bond issued by an original contractor on a construction project, regardless of whether such construction project is a private project or a public works project.”; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mayer appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 737**: Senators Lager, Munzlinger, Pearce, Callahan and Curls.

President Pro Tem Mayer assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Engler, Chairman of the Committee on Financial and Governmental Organizations and

Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 552**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Pearce, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 473**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Lager assumed the Chair.

Senator Mayer, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Donald Cupps, Democrat, as a member of the University of Missouri Board of Curators;

Also,

Joseph Cavato, Democrat, as a member of the Health and Educational Facilities Authority;

Also,

Bryan Hampton, as a member of the Crime Laboratory Review Commission;

Also,

Shane Mecham and Michael Sparks, as members of the Missouri Head Injury Advisory Council;

Also,

Garry Kemp, Democrat, as a member of the Jackson County Sports Complex Authority;

Also,

Mary Ellen Miller, Democrat, as a member and Chair of the Jackson County Board of Election Commissioners;

Also,

Randall Relford, as a member of the Missouri Dental Board;

Also,

Daniel Kappel, Republican, as a member of the Missouri Community Service Commission;

Also,

Lisa Reynolds-Korobey and Suzanne Taggart, as members of the Child Abuse and Neglect Review Board;

Also,

Joseph Nicholson, as a member of the Board of Cosmetology and Barber Examiners;

Also,

Anthony Bologna, Democrat, as a member and Chair of the Clay County Board of Election Commissioners;

Also,

Michael Whitehead, Republican, as a member of the Jackson County Board of Election Commissioners.

Senator Mayer requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Mayer moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

REFERRALS

President Pro Tem Mayer referred **HCS** for **HBs 600, 337 and 413**, with **SCS**; **HCS** for **HB 213**; **HCS** for **HB 840**; and **HCS** for **HB 473** to the Committee on Ways and Means and Fiscal Oversight.

RESOLUTIONS

Senator Goodman offered Senate Resolution No. 1084, regarding Ann Hall, Purdy, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Justus introduced to the Senate, the Physician of the Day, Dr. Jeremy Burd, M.D., Kansas City.

Senator Brown introduced to the Senate, Aeon Strange, Rolla; and Aeon was made an honorary page.

Senator Schaaf introduced to the Senate, Addie Von Drehle, Laini Reynolds, Meg Thoma and Catherine Brooks.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-SEVENTH DAY—WEDNESDAY, MAY 11, 2011

FORMAL CALENDAR

VETOED BILLS

SCS for SB 188-Lager, et al

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna
(In Fiscal Oversight)

SB 204-Dempsey, et al
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 260-Wasson, with SCS
2. SB 425-Goodman, with SCS
3. SB 400-Kraus, with SCS
4. SB 392-Rupp, with SCS
5. SB 403-Nieves
6. SB 329-Nieves
7. SB 353-Engler
8. SJR 16-Goodman, with SCS
9. SB 391-Lager
10. SB 253-Callahan and Cunningham,
with SCS

11. SB 223-Mayer
12. SB 119-Schaefer
13. SB 150-Munzlinger
14. SB 84-Wright-Jones
15. SB 45-Wright-Jones
16. SB 14-Pearce, with SCS
17. SB 281-Kraus
18. SB 399-Kraus
19. SB 44-Wright-Jones

HOUSE BILLS ON THIRD READING

1. HCS for HB 431, with SCS (Justus)
(In Fiscal Oversight)
2. HB 151-Kelly (24) and Molendorp
(Schaefer) (In Fiscal Oversight)
3. HB 139-Smith (150), et al
(Cunningham) (In Fiscal Oversight)
4. HB 184-Dugger, with SCS (Purgason)
5. HCS for HB 664, with SCS (Schmitt)
6. HCS for HB 366 (Richard)
(In Fiscal Oversight)
7. HB 675-Largent and Hoskins (Parson)
8. HCS for HJR 3 (Brown)
(In Fiscal Oversight)
9. HB 458-Loehner, et al (Brown)

10. HCS for HBs 300, 334 & 387, with SCS
(Mayer)
11. HCS for HB 506, with SCS (Lembke)
12. HCS for HBs 600, 337 & 413, with SCS
(Goodman) (In Fiscal Oversight)
13. HCS for HB 213 (Mayer)
(In Fiscal Oversight)
14. HCS for HBs 223 & 231 (Crowell)
15. HCS for HB 840 (Schmitt)
(In Fiscal Oversight)
16. HCS for HB 344, with SCS (Munzlinger)
17. HCS for HB 552, with SCS
18. HCS for HB 473 (In Fiscal Oversight)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SS for SB 231-Lager

SENATE BILLS FOR PERFECTION

SBs 1 & 206-Ridgeway, with SCS & SA 1
(pending)
SBs 7, 5, 74 & 169-Goodman, with SCS
SB 10-Rupp
SB 23-Keaveny, with SCS & SS for SCS
(pending)
SB 25-Schaaf, with SCS & SS for SCS
(pending)
SB 28-Brown
SB 37-Lembke, with SCS
SB 52-Cunningham
SB 72-Kraus, with SS (pending)
SBs 88 & 82-Schaaf, with SCS & SA 1
(pending)
SB 120-Stouffer, with SS (pending)
SB 130-Rupp, with SCS & SS for SCS
(pending)
SB 155-Rupp, with SCS
SB 175-Munzlinger, et al, with SA 1
(pending)
SB 176-Munzlinger, et al
SBs 189, 217, 246, 252 & 79-Schmitt,
with SCS

SB 200-Crowell
SB 203-Schmitt, et al, with SS (pending)
SB 208-Lager
SB 209-Lager
SB 228-Pearce
SB 242-Cunningham, with SCS & SS for SCS
(pending)
SB 247-Pearce, with SS (pending)
SB 264-Rupp, with SCS
SB 278-Munzlinger, et al
SB 280-Purgason, et al, with SCS & SS
for SCS (pending)
SBs 291, 184 & 294-Pearce, with SCS &
SA 4 (pending)
SB 299-Munzlinger, with SCS (pending)
SB 326-Wasson
SBs 369 & 370-Cunningham, with SCS
SB 390-Schmitt, et al
SBs 408 & 80-Crowell, with SCS
SB 420-Mayer, with SCS
SJR 11-Munzlinger, with SCS
SJR 15-Nieves, et al, with SS (pending)

HOUSE BILLS ON THIRD READING

HCS for HB 61
SS for HB 71-Nasheed, et al (Engler)
HCS for HB 89, with SCS & SS for SCS
(pending) (Lager)
HCS for HB 111, with SCS (Goodman)
HCS for HBs 112 & 285, with SCS (Brown)
HCS for HB 143 (Goodman)
HB 167-Nolte, et al, with SCA 1
(pending) (Nieves)
HB 183-Silvey (Kraus)
SS for SCS for HCS for HB 265 (Wasson)
(In Fiscal Oversight)

HCS for HBs 294, 123, 125, 113, 271 &
215, with SCS & SS for SCS (pending)
(Munzlinger)
HCS for HB 336 (Schmitt)
HB 361-Leara (Cunningham)
HB 402-Diehl and Korman (Wasson)
SCS for HCS for HB 412 (Wasson)
(In Fiscal Oversight)
SS for SCS for HCS for HB 430 (Stouffer)
(In Fiscal Oversight)
HB 442-Franz, with SA 2 (pending)
(Parson)

HB 462-Pollock, with SCS (Lager)
HCS for HB 464, with SCS & SA 2
(pending) (Wasson)
HCS for HBs 470 & 429, with SCS, SS for
SCS & SA 2 (pending) (Rupp)
HB 484-Faith (Stouffer)
HCS for HB 523, with SCS (Pearce)
HB 525-Molendorp (Rupp)
HCS for HB 545, with SCS & SS for SCS
(pending) (Schaaf)
HCS for HB 556
HCS for HB 562, with SCS (pending)
(Schmitt)

HCS#2 for HB 609, with SCS (pending)
(Wasson)
HB 661-Wells, et al, with SCS (Lamping)
HB 667-Carter, et al (Wright-Jones)
HCS for HB 697, with SCS (pending)
(Dixon)
HB 738-Nasheed, et al, with SCS
(pending) (Cunningham)
HB 1008-Long, et al, with SCS (Dempsey)
HJR 6-Cierpiot, et al (Cunningham)
HJR 29-Solon, et al, with SA 1 (pending)
(Munzlinger)

SENATE BILLS WITH HOUSE AMENDMENTS

SS for SCS for SB 58-Stouffer and
Lembke, with HCS, as amended
SB 71-Parson, with HSA 1 for HA 1, as
amended & HA 2
SB 97-Engler, with HCS#2, as amended
SS for SB 118-Stouffer, with HCS, as
amended

SS for SB 202-Crowell, with HCS, as
amended
SCS for SB 219-Wasson, with HCS, as
amended
SCS for SB 323-Schaefer, with HA 1 & HA 3

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SS#2 for SCS for SB 8-Goodman, with HCS,
as amended
SCS for SB 29-Brown, with HCS, as amended
SB 59-Keaveny, with HCS, as amended
(Senate adopted CCR and passed CCS)
SB 61-Keaveny, with HCS, as amended
SS for SB 135-Schaefer, with HCS, as
amended
SB 145-Dempsey, with HCS,
as amended

SB 173-Dixon and Kehoe, with HCS, as
amended
SB 220-Wasson, with HCS, as amended
SS for SB 226-Engler, with HCS, as
amended
SB 250-Kehoe, with HCS, as amended
SCS for SB 270-Kraus, with HCS, as
amended
SB 282-Engler, with HCS, as amended
(Senate adopted CCR and passed CCS)

SB 284-Wasson, with HCS, as amended
SB 322-Schaefer, with HCS, as amended
HB 101-Loehner, with SCS, as amended
(Cunningham)

HB 142-Gatschenberger, with SCS, as
amended (Dempsey)
HB 737-Redmon and Shumake, with SCS
(Lager)

RESOLUTIONS

Reported from Committee

SR 179-Purgason
HCS for HCR 23 (Dixon)
HCR 37-Franklin, et al (Wright-Jones)

HCR 42-Funderburk, et al (Lembke)
HCR 32-Bernskoetter (Kehoe)
HCS for HCR 39

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Journal of the Senate

FIRST REGULAR SESSION

SIXTY-SEVENTH DAY—WEDNESDAY, MAY 11, 2011

The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

“A lot of ‘distractions’ would vanish if we realized that we are not bound at all times to ignore the practical problems of our life when we are at prayer. On the contrary, sometimes these problems actually ought to be the subject of meditation.” (Thomas Merton)

As we continue through this week O Lord, help us to be mindful of You and turn to You in prayer at all times and about all things so that our work might not be bogged down by distractions but seen clearly as to the course we are to follow and the path our votes are to take. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

President Kinder assumed the Chair.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Dempsey announced that photographers from Missouri News Horizon, KRCG-TV and KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator McKenna offered Senate Resolution No. 1085, regarding Bill Haggard, Herculaneum, which was adopted.

Senator Crowell offered Senate Resolution No. 1086, regarding the Twenty-fifth Wedding Anniversary of Mr. and Mrs. Rick Freed, Cape Girardeau, which was adopted.

HOUSE BILLS ON THIRD READING

HB 1008, with **SCS**, introduced by Representative Long, et al, entitled:

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to highway infrastructure improvement agreements.

Was called from the Informal Calendar and taken up by Senator Dempsey.

SCS for **HB 1008**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1008**

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to highway infrastructure improvement agreements.

Was taken up.

Senator Dempsey moved that **SCS** for **HB 1008** be adopted, which motion prevailed.

On motion of Senator Dempsey, **SCS** for **HB 1008** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Goodman—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Dempsey, title to the bill was agreed to.

Senator Dempsey moved that the vote by which the bill passed be reconsidered.

Senator Mayer moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCS** for **SB 187**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

President Pro Tem Mayer assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HCS** for **SB 187**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

BILLS DELIVERED TO THE GOVERNOR

HCS for **SB 187**, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

HOUSE BILLS ON THIRD READING

Senator Munzlinger moved that **HCS** for **HBs 294, 123, 125, 113, 271** and **215**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Munzlinger, **SS** for **SCS** for **HCS** for **HBs 294, 123, 125, 113, 271** and **215** was withdrawn.

Senator Munzlinger offered **SS No. 2** for **SCS** for **HCS** for **HBs 294, 123, 125, 113, 271** and **215**, entitled:

SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NOS. 294, 123, 125, 113, 271 and 215

An Act to repeal sections 50.535, 302.181, 407.500, 407.505, 571.020, 571.030, 571.101, 571.107, 571.111, and 571.117, RSMo, and to enact in lieu thereof thirteen new sections relating to firearms, with penalty provisions and a contingent effective date for certain sections.

Senator Munzlinger moved that **SS No. 2** for **SCS** for **HCS** for **HBs 294, 123, 125, 113, 271** and **215**, be adopted.

Senator Pearce assumed the Chair.

Senator Lembke offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for

House Bill Nos. 294, 123, 125, 113, 271 and 215, Page 19, Section 571.085, Lines 13-14 of said page, by striking the following: “, as administered by the United States Secretary of the Treasury,”; and further amend section 571.087, lines 21-22 of said page, by striking the following: “, as administered by the United States Secretary of the Treasury,”.

Senator Lembke moved that the above amendment be adopted, which motion prevailed.

Senator Munzlinger moved that **SS No. 2** for **SCS** for **HCS** for **HBs 294, 123, 125, 113, 271** and **215**, as amended, be adopted, which motion prevailed.

On motion of Senator Munzlinger, **SS No. 2** for **SCS** for **HCS** for **HBs 294, 123, 125, 113, 271** and **215**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Crowell	Cunningham	Dempsey	Dixon	Engler	Goodman
Kehoe	Kraus	Lager	Lamping	Lembke	Mayer	McKenna	Munzlinger
Nieves	Parson	Pearce	Purgason	Richard	Ridgeway	Rupp	Schaaf
Schaefer	Stouffer	Wasson—27					

NAYS—Senators

Chappelle-Nadal	Curls	Green	Justus	Keaveny	Wright-Jones—6
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Absent—Senator Schmitt—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Munzlinger, title to the bill was agreed to.

Senator Munzlinger moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Senator Rupp moved that **HCS** for **HBs 470** and **429**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 2 was again taken up.

At the request of Senator Ridgeway, the above amendment was withdrawn.

Senator Rupp moved that **SS** for **SCS** for **HCS** for **HBs 470** and **429**, as amended, be adopted, which motion prevailed.

On motion of Senator Rupp, **SS** for **SCS** for **HCS** for **HBs 470** and **429**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager

Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson
Wright-Jones—33							

NAYS—Senators—None

Absent—Senator Parson—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Senator Lager moved that **HCS** for **HB 89**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Lager, **SS** for **SCS** for **HCS** for **HB 89** was withdrawn.

Senator Lager offered **SS No. 2** for **SCS** for **HCS** for **HB 89**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 89

An Act to repeal sections 247.060, 253.090, 386.850, 444.773, 621.250, 643.020, 643.040, 643.050, 643.060, 643.079, 643.080, 643.130, 643.191, 643.225, 643.232, 643.237, 643.240, 643.242, 643.245, 643.250, 643.253, 643.260, 644.036, 644.051, 644.054, 644.071, 701.033, and 701.332, RSMo, and to enact in lieu thereof forty new sections relating to natural resources, with penalty provisions and an emergency clause for certain sections.

Senator Lager moved that **SS No. 2** for **SCS** for **HCS** for **HB 89** be adopted.

Senator Lager offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 89, Pages 20-21, Section 537.292, by striking all of said section from the bill; and

Further amend said bill, page 78, section 1, line 21 of said page, by striking the following: “537.292,”; and

Further amend said bill, page 79, section 1, line 2 of said page, by striking the following: “537.292,”; and

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted.

Senator Lager offered **SSA 1 for SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 89, Pages 20-21, Section 537.292, by striking all of said section from the bill; and

Further amend said bill, page 78, section 1, line 21 of said page, by striking the following: “304.120,”; and further amend said line, by striking the following: “537.292,”; and

Further amend said bill, page 79, section 1, line 1 of said page, by striking the following: “304.120,”; and further amend line 2 of said page, by striking the following: “537.292,”; and

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 89, Page 10, Section 247.060, Line 6 of said page, by inserting after the word “election” the following: “, **or if not a voter or resident of said district, shall have received service from the district at his or her primary place of residence one whole year immediately prior to his or her election**”.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator McKenna offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 89, Page 21, Section 537.292, Line 16 of said page, by inserting after all of said line the following:

“620.2300. 1. As used in this section, the following terms shall mean;

(1) “Department”, the Missouri department of economic development;

(2) “Biomass facility”, a biomass renewable energy facility or biomass fuel production facility that will not be a major source for air quality permitting purposes;

(3) “Commission”, the Missouri public service commission;

(4) “County average wage”, the average wages in each county as determined by the department for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of determining eligibility. The department shall publish the county average wage for each county at least annually. Notwithstanding the provisions of this subdivision to the contrary, for any project that is relocating employees from a Missouri county with a higher county average wage, the company shall obtain the endorsement of the governing body of

the community from which jobs are being relocated or the county average wage for their project shall be the county average wage for the county from which the employees are being relocated;

(5) “Full-time employee”, an employee of the project facility that is scheduled to work an average of at least thirty-five hours per week for a twelve-month period, and one for which the employer offers health insurance and pays at least fifty percent of such insurance premiums;

(6) “Major source”, the same meaning as is provided under 40 C.F.R. 70.2;

(7) “New job”, the number of full-time employees located at the project facility that exceeds the project facility base employment less any decrease in the number of full-time employees at related facilities below the related facility base employment. An employee that spends less than fifty percent of the employee’s work time at the project facility is still considered to be located at a facility if the employee receives his or her directions and control from that facility, is on the facility’s payroll, one hundred percent of the employee’s income from such employment is Missouri income, and the employee is paid at or above the state average wage;

(8) “Park”, an area consisting of a parcel or tract of land, or any combination of parcels or contiguous land that meet all of the following requirements:

(a) The area consists of at least fifty contiguous acres;

(b) The property within the area is subject to remediation under a clean up program supervised by the Missouri department of natural resources or United States environmental protection agency;

(c) The area contains a manufacturing facility that is closed, undergoing closure, idle, underutilized, or curtailed and that at one time employed at least two hundred employees;

(d) The development plan for the area includes a biomass facility; and

(e) Property located within the area will be used for the development of renewable energy and the demonstration of industrial on-site energy generation;

(9) “Project”, a cleanfields renewable energy demonstration project located within a park that will result in the creation of at least fifty new jobs and the retention of at least fifty existing jobs;

(10) “Project application”, an application submitted to the department, by an owner of all or a portion of a park, on a form provided by the department, requesting benefits provided under this section;

(11) “Project facility”, a biomass facility at which the new jobs will be located. A project facility may include separate buildings that are located within fifty miles of each other or within the same county such that their purpose and operations are interrelated;

(12) “Project facility base employment”, the greater of the number of full-time employees located at the project facility on the date of the project application or for the twelve-month period prior to the date of the project application, the average number of full-time employees located at the project facility. In the event the project facility has not been in operation for a full twelve-month period, the average number of full-time employees for the number of months the project facility has been in operation prior to the date of the project application.

2. The owner of a park seeking to establish a project shall submit a project application to the department for certification of such project. The department shall review all project applications

received under this section and, in consultation with the department of natural resources, verify satisfaction of the requirements of this section. If the department approves a project application, the department shall forward such application and approval to the commission.

3. Notwithstanding provisions of section 393.1030 to the contrary, upon receipt of an application and approval from the department, the commission shall assign double credit to any electric power, renewable energy, renewable energy credits, or any successor credit generated from:

(1) Renewable energy resources purchased from the biomass facility located in the park by an electric power supplier;

(2) Electric power generated off-site by utilizing biomass fuel sold by the biomass facility located at the park; or

(3) Electric power generated off-site by renewable energy resources utilizing storage equipment manufactured at the park that increases the quantity of electricity delivered to the electric power supplier.”; and

Further amend said bill, page 80, section B, line 39 of said page, by inserting immediately after “444.771,” the following: “620.2300,”; and

Further amend said bill and section, page 81, line 5 of said page, by inserting immediately after “444.771,” the following: “620.2300,”; and

Further amend the title and enacting clause accordingly.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator Lager moved that **SS No. 2 for SCS for HCS for HB 89**, as amended, be adopted, which motion prevailed.

On motion of Senator Lager, **SS No. 2 for SCS for HCS for HB 89**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Lager, title to the bill was agreed to.

Senator Lager moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Senator Ridgeway assumed the Chair.

President Pro Tem Mayer assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Goodman, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 708**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

PRIVILEGED MOTIONS

Senator Schaefer, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SB 135**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 135

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Bill No. 135, with House Amendment Nos. 1, 2, & 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for

Senate Bill No. 135, as amended;

2. The Senate recede from its position on Senate Substitute for Senate Bill No. 135;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 135, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Kurt Schaefer

/s/ Brad Lager

/s/ Brian Munzlinger

/s/ Jolie Justus

/s/ Timothy P. Green

FOR THE HOUSE:

/s/ Tim Jones

/s/ Don Ruzicka

/s/ Darrell Pollock

/s/ Jason Holsman

/s/ Michael Brown

Senator Schaefer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Schaefer, **CCS** for **HCS** for **SS** for **SB 135**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 135

An Act to repeal sections 253.090, 260.262, 260.380, 260.475, 260.965, 306.109, 319.132, and 414.072, RSMo, and to enact in lieu thereof thirteen new sections relating to environmental protection, with penalty provisions and an emergency clause for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce

Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Senator Wasson moved that the conference on **HCS** for **SB 220**, as amended, be dissolved and **HCS** for **SB 220**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 220**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 220

An Act to repeal sections 429.015 and 516.098, RSMo, and to enact in lieu thereof two new sections relating to liens for architects, professional engineers, land surveyors, and landscape architects.

Was taken up.

Senator Wasson moved that **HCS** for **SB 220**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Keaveny	Kehoe	Kraus	Lager	Lamping	Lembke
Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators

Green Justus—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Wasson, **HCS** for **SB 220**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senator Green—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 132**, entitled:

An Act to repeal sections 384.015, 384.017, 384.021, 384.043, 384.051, 384.057, 384.061, 385.200,

385.206, and 385.208, RSMo, and to enact in lieu thereof fourteen new sections relating to certain specialty lines insurance contracts, with penalty provisions, an emergency clause for certain sections, and an effective date for certain sections.

With House Amendment Nos. 1, 2, 3 and 4.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 132, Page 11, Section 385.206, Line 20, by deleting the words, **“and/or authorized representatives”**; and

Further amend said bill, Page 13, Section 385.207, Line 2, by inserting after the number, **“(6)”** the following word and number, **“or (7)”**; and

Further amend said section, Page 14, Line 10, by deleting the word, **“and”**; and

Further amend said page, section and line, by inserting after the second occurrence of the word, **“entity”** the following words, **“and information related to section 385.209 as required by the director”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 132, Section A, Page 1, Line 5, by inserting after all of said section and line the following:

“379.1500. As used in sections 379.1500 to 379.1550, the following terms shall mean:

(1) “Director”, the director of the department of insurance, financial institutions and professional registration;

(2) “Insurance company” or “insurer”, any person, reciprocal exchange, interinsurer, or any other legal entity licensed and authorized by the director to write inland marine coverage;

(3) “Insurance producer” or “producer”, a person required to be licensed under the laws of this state to sell, solicit, or negotiate insurance;

(4) “License”, the same meaning as such term is defined in section 375.012;

(5) “Location”, any physical location in this state or any website, call center site, or similar location directed to residents of this state;

(6) “Person”, an individual or business entity;

(7) “Portable electronics”, electronic devices that are portable in nature, their accessories, and services related to the use of the device. Portable electronics does not include telecommunication and cellular equipment used by a telecommunication company to provide telecommunication service to consumers;

(8) “Portable electronics insurance”, an insurance policy issued by an insurer which may be offered on a month-to-month or other periodic basis as a group or master commercial inland marine policy issued to a vendor of portable electronics under which individual customers may elect to enroll for coverage for the repair or replacement of portable electronics which may cover portable electronics against any one or more of the following causes of loss: loss, theft, mechanical failure,

malfunction, damage, or other applicable perils, but does not include:

- (a) A service contract governed by sections 385.300 to 385.321;
- (b) A policy of insurance covering a seller's or manufacturer's obligations under a warranty; or
- (c) A homeowner's, renter's, private passenger automobile, commercial multiperil, similar policy, or endorsement to such policy that covers any portable electronics;
- (9) "Portable electronics insurance license", a license to sell or solicit portable electronics insurance;
- (10) "Portable electronics transaction", the sale or lease of portable electronics by a vendor to a customer or the sale of a service related to the use of portable electronics by a vendor to a customer;
- (11) "Negotiate", the same meaning as such term is defined in section 375.012;
- (12) "Sell", the same meaning as such term is defined in section 375.012;
- (13) "Solicit", the same meaning as such term is defined in section 375.012;
- (14) "Supervising business entity", the insurer or a licensed business entity producer designated by the insurer to supervise the actions of a vendor;
- (15) "Vendor", a person in the business of engaging in portable electronics transactions directly or indirectly.

379.1505. 1. No vendor shall sell or solicit portable electronics insurance coverage in this state unless such vendor has obtained a portable electronics insurance license.

2. A vendor applying for a portable electronics insurance license shall make application to the director on the prescribed form as required. On the prescribed form, the vendor shall be required to provide the name for an employee or officer of the vendor that is designated by the vendor as the person responsible for the vendor's compliance with the requirements of this section and such designated responsible person shall not be required to hold an insurance producer license. Such license shall authorize an employee or authorized representative of a vendor to sell or offer coverage under a policy of portable electronics insurance to a customer at each location at which the vendor engages in a portable electronics transaction.

3. Any vendor licensed under sections 379.1500 to 379.1550 shall pay an initial license fee to the director in an amount prescribed by the director by rule, but not to exceed one thousand dollars, and shall pay a renewal fee in an amount prescribed by the director by rule, but not to exceed five hundred dollars. License fees shall be deposited in the insurance dedicated fund.

4. Notwithstanding any provision of sections 375.012 to 375.018, a portable electronics insurance license, if not renewed by the director by its expiration date, shall terminate on its expiration date and shall not after such date authorize its holder to sell or solicit any portable electronics insurance under sections 379.1500 to 379.1550.

379.1510. 1. A vendor shall have the obligation to ensure that every location that is authorized to sell, solicit, or negotiate portable electronics insurance to customers shall have specific brochures and actual policies or certificates of coverage available to prospective customers which:

- (1) Disclose that portable electronics insurance may provide a duplication of coverage already

provided by a customer's homeowner's, renter's, or other source of coverage, and that the portable electronics insurance coverage is primary over any other collateral coverage;

(2) State that the enrollment by the customer in a portable electronics insurance program is not required in order to purchase or lease portable electronics or services;

(3) Summarize the material terms of the insurance coverage, including:

(a) The identity of the insurer;

(b) The identity of the supervising business entity;

(c) The amount of any applicable deductible and how it is to be paid;

(d) Benefits of the coverage; and

(e) Key terms and conditions of coverage, such as whether portable electronics may be repaired or replaced with similar make and model reconditioned or nonoriginal manufacturer parts or equipment;

(4) Summarize the process for filing a claim, including any requirement to return portable electronics and the maximum fee applicable in the event the customer fails to comply with any equipment return requirements; and

(5) State that the customer may cancel enrollment for coverage under a portable electronics insurance policy at any time and receive a refund of any unearned premium on a pro rata basis.

2. Eligibility and underwriting standards for customers electing to enroll in coverage shall be established for each portable electronics insurance program. Each insurer shall maintain all eligibility and underwriting records for a period of five years. Portable electronics insurance issued under sections 379.1500 to 379.1550 shall be deemed primary coverage over any other collateral coverage.

3. Insurers offering portable electronics insurance coverage through vendors shall appoint a supervising business entity to supervise the administration of the program. The supervising business entity shall be responsible for the development of a training program for employees and authorized representatives of a vendor, and shall include basic instruction about the portable electronics insurance offered to customers and the disclosures required under this section.

4. Insurers and applicable supervising business entities offering portable electronics insurance shall share all complaint, grievance, or inquiries regarding any conduct that is specific to a vendor and that may not comply with applicable state laws and regulations.

5. A supervising business entity shall maintain a registry of vendor locations which are authorized to sell or solicit portable electronics insurance coverage in this state. Upon request by the director and with ten days' notice to the supervising business entity, the registry shall be open to inspection and examination by the director during regular business hours of the supervising business entity.

6. Within thirty days of a supervising business entity terminating a vendor location's appointment to sell or solicit portable electronics insurance, the supervising business entity shall update the registry with the effective date of termination. If a supervising business entity has possession of information relating to any cause for discipline under section 375.141, the supervising business entity shall notify the director of such information in writing. The privileges and immunities applicable to insurers under section 375.022 shall apply to supervising business entities for any information

reported under this subsection.

7. The supervising business entity shall not charge a fee for adding or removing a vendor location from the registry.

8. No employee or authorized representative of a vendor shall advertise, represent, or otherwise hold himself or herself out as an insurance producer, unless such employee or authorized representative is otherwise licensed as an insurance producer.

9. The training required in subsection 3 of this section shall be delivered to all employees and authorized representatives of the vendors who are directly engaged in the activity of selling portable electronics insurance in this state. The training may be provided in electronic form. However, if conducted in an electronic form, the supervising business entity shall implement a supplemental education program regarding the portable electronics insurance product that is conducted and overseen by licensed employees of the supervising business entity.

10. The charges for portable electronics insurance coverage may be billed and collected by the vendor. Any charge to the customer that is not included in the cost associated with the purchase or lease of portable electronics or related services shall be separately itemized on the customer's bill. If the portable electronics insurance is included in the purchase or lease of portable electronics or related services, the vendor shall clearly and conspicuously disclose to the customer that the portable electronics insurance coverage is included with the portable electronics or related services. Vendors billing and collecting such charges shall not be required to maintain such funds in a segregated account, provided that the insurer authorized the vendor to hold such funds in an alternative manner and remits such amounts to the supervising business entity within forty-five days of receipt. All funds received by a vendor from a customer for the sale of portable electronics insurance shall be considered funds held in trust by the vendor in a fiduciary capacity for the benefit of the insurer. Vendors shall maintain all records related to the purchase of portable electronics insurance for a period of three years from the date of purchase.

379.1515. Persons licensed as vendors shall be subject to the provisions of sections 375.012 to 375.014, 375.018, 375.031, 375.046, 375.051, 375.052, 375.071, 375.106, 375.116, 375.141, and 375.144 of the insurance producers act.

379.1520. 1. The director may suspend, revoke, refuse to issue, or refuse to issue any license or renew any license required by the provisions of sections 379.1500 to 379.1550 for any reason listed in section 375.141 or for any one or more of the following causes:

(1) Use of any advertisement or solicitation that is false, misleading, or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(2) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by fraud, deception, or misrepresentation;

(3) Violation of any professional trust or confidence.

2. The director may impose other penalties that the director deems necessary and reasonable to carry out the purposes of sections 379.1500 to 379.1550, including:

(1) Suspending the privilege of transacting portable electronics insurance under sections 379.1500 to 379.1550 at specific locations where violations have occurred; and

(2) Suspending or revoking the ability of individual employees or authorized representatives to act under the license.

379.1525. Vendors shall be subject to the investigation and examination provisions of section 374.190.

379.1530. Premiums received by a vendor or supervising business entity shall be deemed received by the insurer. Insurers may require consumers to provide proof of purchase.

379.1535. If the director determines that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice, or course of business constituting a violation of sections 379.1500 to 379.1550 or rule adopted or order issued thereunder, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of sections 379.1500 to 379.1550, or a rule adopted or order issued thereunder, the director may:

- (1) Issue such administrative orders as authorized under section 374.046; or**
- (2) Maintain a civil action for relief authorized under section 374.048.**

A violation of sections 379.1500 to 379.1550 or rule adopted or order issued thereunder is a level two violation under section 374.049.

379.1540. The license of a supervising business entity may be suspended, revoked, renewal refused, or an application refused if the director finds that a violation by a portable electronics insurance vendor was known or should have been known by the supervising business entity and the violation was neither reported to the director nor correction action taken. A violation of this section is a level three violation under section 374.049.

379.1545. Notwithstanding any other provision of law:

(1) An insurer may terminate or otherwise change the terms and conditions of a policy of portable electronics insurance only upon providing the policyholder and enrolled customers with at least thirty days' notice;

(2) If the insurer changes the terms and conditions of a policy of portable electronics insurance, the insurer shall provide the vendor and any policyholders with a revised policy or endorsement and each enrolled customer with a revised certificate, endorsement, updated brochure, or other evidence indicating a change in the terms and conditions has occurred and a summary of material changes;

(3) Notwithstanding subdivision (1) of this section, an insurer may terminate an enrolled customer's enrollment under a portable electronics insurance policy upon fifteen days' notice for discovery of fraud or material misrepresentation in obtaining coverage or in the presentation of a claim thereunder;

(4) Notwithstanding subdivision (1) of this section, an insurer may immediately terminate an enrolled customer's enrollment under a portable electronics insurance policy:

(a) For nonpayment of premium;

(b) If the enrolled customer ceases to have an active service with the vendor of portable electronics; or

(c) If an enrolled customer exhausts the aggregate limit of liability, if any, under the terms of the portable electronics insurance policy and the insurer sends notice of termination to the customer within thirty calendar days after exhaustion of the limit. However, if the notice is not timely sent, enrollment and coverage shall continue notwithstanding the aggregate limit of liability until the insurer sends notice of termination to the enrolled customer;

(5) Where a portable electronics insurance policy is terminated by a policyholder, the policyholder shall mail or deliver written notice to each enrolled customer advising the customer of the termination of the policy and the effective date of termination. The written notice shall be mailed or delivered to the customer at least thirty days prior to the termination;

(6) Whenever notice is required under this section, it shall be in writing and may be mailed or delivered to the vendor at the vendor's mailing address and to its affected enrolled customers' last known mailing addresses on file with the insurer. If notice is mailed, the insurer or vendor, as the case may be, shall maintain proof of mailing in a form authorized or accepted by the U.S. Postal Service or other commercial mail delivery service. Alternatively, an insurer or vendor policyholder may comply with any notice required by this section by providing electronic notice to a vendor or its affected enrolled customers, as the case may be, by electronic means. Additionally, if an insurer or vendor policyholder provides electronic notice to an affected enrolled customer and such delivery by electronic means is not available or is undeliverable, the insurer or vendor policyholder shall provide written notice to the enrolled customer by mail in accordance with this section. If notice is accomplished through electronic means, the insurer or vendor of portable electronics, as the case may be, shall maintain proof that the notice was sent.

379.1550. 1. The director may promulgate rules to implement the provisions of sections 379.1500 to 379.1550. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections 379.1500 to 379.1550 shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. Sections 379.1500 to 379.1550 and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.

2. The provisions of sections 379.1500 to 379.1550 shall become effective January 1, 2012.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 132, Page 1, Section A, Line 5, by inserting after all of said section the following:

“44.114. Except as otherwise provided in this section, at the time of any emergency, catastrophe or other life or property threatening event which jeopardizes the ability of an insurer to address the financial needs of its insureds or the public, no political subdivision shall impose restrictions or enforce local licensing or registration ordinances with respect to such insurer's claims handling operations. As used in this section, the term “claims handling operations” includes but is not limited to the establishment of a base of operations by an insurer within the disaster area and the investigation and handling of claims by personnel authorized by any such insurer. Nothing herein

shall prohibit a political subdivision from performing any safety inspection authorized by local ordinance of the premises of the insurer's base of operations within the disaster area.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 132, Section A, Page 1, Line 6, by inserting after all of said section and line the following:

“375.916. 1. When by the laws of any other state or foreign country any premium or income or other taxes, or any fees, fines, penalties, licenses, deposit requirements or other obligations, prohibitions or restrictions are imposed upon Missouri insurance companies or carriers doing business, or that might seek to do business, in the other state or country, which in the aggregate are in excess of the taxes, fees, fines, penalties, licenses, deposit requirements or other obligations, prohibitions or restrictions directly imposed upon insurance companies of the other state or foreign country under the statutes of this state, so long as the laws continue in force, the same obligations, prohibitions, and restrictions of whatever kind shall be imposed upon insurance companies or carriers of the other state or foreign country doing business in Missouri. Any tax, license or other obligation imposed by any city, county or other political subdivision of a state or foreign country on Missouri insurance companies or carriers shall be deemed to be imposed by the state or foreign country within the meaning of this section, and the director of the department of insurance, financial institutions and professional registration for the purpose of this section shall compute the burden of the tax, license or other obligations on an aggregate statewide or foreign-countrywide basis as an addition to the tax and other charges payable by similar Missouri insurance companies or carriers in the state or foreign country. The provisions of this section shall not apply to ad valorem taxes on real or personal property, personal income taxes or to assessments on or credits to insurers for the payment of claims of policyholders of insolvent insurers. **An insurance company claiming a state premium tax credit or deduction shall not be required to pay any additional retaliatory tax levied pursuant to this section as a result of claiming such credit or deduction.**

2. All licenses, fees, taxes, fines or penalties collectible under this section shall be paid to the director of revenue. The payment and assessment of retaliatory tax shall be made on an estimated quarterly basis in the same manner as premium insurance tax as provided in sections 148.310 to 148.461.

3. Effective January 1, 2012, notwithstanding any other provision of law to the contrary, operating assessments based upon workers compensation paid losses that are imposed upon an insurance company by the laws of its state or foreign country of domicile shall not be considered any premium or income or other taxes or any fees, fines, penalties, licenses, deposit requirements or other obligations, prohibitions or restrictions, provided that with respect to the tax year in question the insurance company has its principal place of business within this state and receives more than three million dollars of direct insurance premiums on account of business done in this state.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HCS** for **SCS** for **SB 60**, entitled:

An Act to repeal sections 32.056, 50.535, 56.807, 221.105, 301.146, 302.020, 302.321, 303.025, 311.325, 404.710, 407.500, 407.505, 429.015, 444.773, 454.425, 454.548, 455.040, 456.3-301, 456.5-505, 456.8-813, 469.411, 469.437, 469.459, 475.060, 475.115, 475.375, 488.026, 488.432, 516.098, 516.140, 544.455, 544.470, 557.011, 558.019, 559.100, 559.105, 570.120, and 571.030, RSMo, and to enact in lieu thereof seventy-three new sections relating to judicial procedures, with penalty provisions.

With House Amendment Nos. 1, 2, 3, 4, 5, 6, 7, 8, House Amendment No. 1 to House Amendment No. 9 and House Amendment No. 9, as amended.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 60, Page 8, Section 221.025, Lines 1 to 13, by deleting all of said lines and inserting in lieu thereof the following:

“221.025. 1. As an alternative to confinement, an individual may be placed on electronic monitoring pursuant to subsection 1 of section 544.455 or subsection 6 of section 557.011, but subject to any minimum sentence requirement of subsection 6 of section 577.023, with such terms and conditions as a court shall deem just and appropriate under the circumstances.

2. A judge may, in his or her discretion, credit any such period of electronic monitoring against any period of confinement or incarceration ordered, however, electronic monitoring shall not be considered to be in custody or incarceration for purposes of eligibility for the MOHealthNet program, nor shall it be considered confinement in a correctional center or private or county jail for purposes of determining responsibility for the individual’s health care.

3. The circuit court may contract with a private company to provide electronic monitoring services pursuant to this section and any private company which provides such electronic monitoring services shall certify to the circuit court the number of days that any individual was electronically monitored.” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 60, Section 56.089, Page 6, Line 93, by inserting after all of said line the following:

“15. Notwithstanding any other provision of this section, a court or prosecutor may not allow the holder of a commercial driver’s license to enter a diversion program that results in declining to file charges or dismissing charges for a violation of the vehicle and traffic law related to the operation of a motor vehicle, or a violation of local law, rule or ordinance related to the operation of a motor vehicle, when such offense was committed by the holder of a commercial driver’s license or was committed in a commercial motor vehicle, as defined in section 302.700.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 60, Page 39, Section 475.060, Line 74 by inserting after all of said section and line the following:

“475.061. 1. Any person may file a petition in the probate division of the circuit court of the county of proper venue for the appointment of himself or some other qualified person as conservator of the estate of a minor or disabled person. The petition shall contain the same allegations as are set forth in subdivisions (1), (8), and (10) **of subsection 2** of section 475.060 with respect to the appointment of a guardian for an incapacitated person and, in addition thereto, an allegation that the respondent is unable by reason of some specific physical or mental condition to receive and evaluate information or to communicate decisions to such an extent that the respondent lacks ability to manage his financial resources or that the respondent is under the age of eighteen years.

2. A petition for appointment of a conservator or limited conservator of the estate may be combined with a petition for appointment of a guardian or limited guardian of the person. In such a combined petition allegations need not be repeated.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 60, Page 7, Section 56.807, Line 60 by inserting after all of said section and line the following:

“71.220. 1. The various cities, towns and villages in this state, whether organized under special charter or under the general laws of the state, are hereby authorized and empowered to, by ordinance, cause all persons who have been convicted and sentenced by the court having jurisdiction, for violation of ordinance of such city, town or village, whether the punishment be by fine or imprisonment, or by both, to be put to work and perform labor on the public streets, highways and alleys or other public works or buildings of such city, town or village, for such purposes as such city, town or village may deem necessary. And the marshal, constable, street commissioner, or other proper officer of such city, town or village, shall have power and be authorized and required to have or cause all such prisoners as may be directed by the mayor, or other chief officer of such city, town or village, to work out the full number of days for which they may have been sentenced, at breaking rock, or at working upon such public streets, highways or alleys or other public works or buildings of such city, town or village as may have been designated. And if the punishment is by fine, and the fine be not paid, then for [every ten dollars of such judgment] **a portion of such judgment that is equal to the greater of the actual daily cost of incarcerating the prisoner or the amount the municipality is reimbursed by the state for incarcerating the prisoner**, the prisoner shall work one day. And it shall be deemed a part of the judgment and sentence of the court that such prisoner may be worked as herein provided.

2. When a fine is assessed for violation of an ordinance, it shall be within the discretion of the judge, or other official, assessing the fine to provide for the payment of the fine on an installment basis under such terms and conditions as he may deem appropriate.”; and

Further amend said bill, Page 51, Section 488.026, Line 12 by inserting after all of said section and line the following:

“488.426. 1. The judges of the circuit court, en banc, in any circuit in this state may require any party filing a civil case in the circuit court, at the time of filing the suit, to deposit with the clerk of the court a surcharge in addition to all other deposits required by law or court rule. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or are to be paid by the county or state or any city.

2. The surcharge in effect on August 28, 2001, shall remain in effect until changed by the circuit court. The circuit court in any circuit, except the circuit court in Jackson County, may change the fee to any amount not to exceed fifteen dollars. The circuit court in Jackson County may change the fee to any amount not to exceed twenty dollars. A change in the fee shall become effective and remain in effect until further changed.

3. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or are paid by the county or state or any city.

4. In addition to any fee authorized by subsection 1 of this section, any county of the first classification with more than ninety-three thousand eight hundred but less than ninety-three thousand nine hundred inhabitants may impose an additional fee of ten dollars excluding cases concerning adoption and those in small claims court. The provisions of this subsection shall expire on December 31, 2014.

5. Any county of the first classification with more than two hundred forty thousand three hundred but fewer than two hundred forty thousand four hundred inhabitants may charge an additional five dollars if approved by the county commission.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 60, Page 12, Section 302.321, Line 30, by inserting after all of said section and line the following:

“302.341. 1. If a Missouri resident charged with a moving [traffic] violation, **as defined in section 302.010**, of this state or any county or municipality of this state fails to dispose of the charges of which the resident is accused through authorized prepayment of fine and court costs and fails to appear on the return date or at any subsequent date to which the case has been continued, or without good cause fails to pay any fine or court costs assessed against the resident for any such violation within the period of time specified or in such installments as approved by the court or as otherwise provided by law, any court having jurisdiction over the charges shall within ten days of the failure to comply inform the defendant by ordinary mail at the last address shown on the court records that the court will order the director of revenue to suspend the defendant’s driving privileges if the charges are not disposed of and fully paid within thirty days from the date of mailing. Thereafter, if the defendant fails to timely act to dispose of the charges and fully pay any applicable fines and court costs, the court shall notify the director of revenue of such failure and of the pending charges against the defendant. Upon receipt of this notification, the director shall suspend the license of the driver, effective immediately, and provide notice of the suspension to the driver at the last address for the driver shown on the records of the department of revenue. Such suspension shall remain in effect until the court with the subject pending charge requests setting aside the noncompliance suspension pending final disposition, or satisfactory evidence of disposition of pending charges and payment of fine and court costs, if applicable, is furnished to the director by the individual. Upon proof of disposition of charges and payment of fine and court costs, if applicable, and payment of the reinstatement fee as set forth in section 302.304, the director shall return the license and remove the suspension from the individual’s driving record. The filing of financial responsibility with the bureau of safety responsibility, department of revenue, shall not be required as a condition of reinstatement of a driver’s license suspended solely under the provisions of this section.

2. If any city, town or village receives more than thirty-five percent of its annual general operating

revenue from fines and court costs for [traffic] **cited moving** violations occurring on state highways, **whether the violation is adjudicated finally as a moving or nonmoving violation**, all revenues from such violations in excess of thirty-five percent of the annual general operating revenue of the city, town or village shall be sent to the director of the department of revenue and shall be distributed annually to the schools of the county in the same manner that proceeds of all penalties, forfeitures and fines collected for any breach of the penal laws of the state are distributed. For the purpose of this section the words “state highways” shall mean any state or federal highway, including any such highway continuing through the boundaries of a city, town or village with a designated street name other than the state highway number. [The director of the department of revenue shall set forth by rule a procedure whereby excess revenues as set forth above shall be sent to the department of revenue.]

3. The governing body of each fourth class city or village with over one hundred thousand dollars in traffic revenues in the previous year in this state shall cause to be prepared an annual report of the fines and court costs collected for cited moving violations whether finally adjudicated as a moving or nonmoving violation occurring on state highways, along with the entity’s annual general operating revenue for the year, in such summary form as the state courts administrator’s office shall prescribe by rule. In the event the fines and court costs exceed thirty-five percent of the entity’s general revenue for the year, the entity shall include with the annual report payment of the excess revenues to the director of the department of revenue. Within thirty days of receipt of payment of the excess revenues, the director of the department of revenue shall disburse the excess to the proper schools, as provided in subsection 2 of this section. If any city, town, or village disputes a determination that it has received excess revenues required to be sent to the department of revenue, such city, town, or village may submit to an annual audit by the state auditor under the authority of article IV, section 13 of the Missouri Constitution. [Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.]

4. The department of revenue may promulgate rules necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.

5. In the event a city, town, or village fails to comply with subsections 2 and 3 of this section, such entity shall be subject to a civil penalty in an amount of ten percent of excess revenues required to be submitted that were not submitted, with such penalty to be distributed to the local schools where the moving violation occurred.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 60, Page 51, Section 488.432, Line 11, by inserting after all of said section and line the following:

“488.5026. 1. [Upon approval of the governing body of a city, county, or a city not within a county,] A surcharge of two dollars shall be assessed **and collected** as costs in each court proceeding filed in any court in any city, county, or city not within a county [adopting such a surcharge,] in all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of the state, including an infraction and violation of a municipal ordinance; except that no such fee shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. A surcharge of two dollars shall be assessed as costs in a juvenile court proceeding in which a child is found by the court to come within the applicable provisions of subdivision (3) of subsection 1 of section 211.031.

2. Notwithstanding any other provision of law, the moneys collected by clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed in accordance with sections 488.010 to 488.020, and shall be payable to the treasurer of the governmental unit authorizing such surcharge.

3. The treasurer shall deposit funds generated by the surcharge into the “Inmate Security Fund”. Funds deposited shall be utilized to develop **information sharing and** biometric verification systems to ensure that inmates can be properly identified **upon booking** and tracked within the local jail **and criminal justice** system. Upon the installation of the **information sharing and** biometric verification system, funds in the inmate security fund may be used for the maintenance of the **information sharing and** biometric verification system, and to pay for any expenses related to custody and housing and other expenses for prisoners.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 60, Page 3, Section 50.535, Line 37, by inserting after all of said section and line the following:

“50.622. **1.** Any county may amend the annual budget during any fiscal year in which the county receives additional funds, and such amount or source, including but not limited to, federal or state grants or private donations, could not be estimated when the budget was adopted. The county shall follow the same procedures as required in sections 50.525 to 50.745 for adoption of the annual budget to amend its budget during a fiscal year.

2. Any county may decrease the annual budget twice during any fiscal year in which the county experiences a verifiable decline in funds of two percent or higher, and such amount could not be estimated or anticipated when the budget was adopted, provided that any decrease in appropriations shall not unduly affect any one officeholder. Before any reduction affecting an independently elected officeholder can occur, negotiations must take place with all officeholders who receive funds from the affected category of funds in an attempt to cover the shortfall.

3. Any decrease in an appropriation authorized under subsection 2 of this section shall not impact any dedicated fund otherwise provided by law.

4. The county shall follow the same procedures as required in sections 50.525 to 50.745 for adoption of the annual budget to amend its budget during a fiscal year, except that the notice provided for in section 50.600 shall be extended to thirty days for purposes of this section and such notice must include a published summary of the proposed reductions and an explanation of the shortfall. If the county has a website, publication on the website will satisfy the notice requirement for this section.

5. This section shall expire on July 1, 2015.

6. County commissioners may reduce budgets of departments under their direct supervision and responsibility at any time without the restrictions imposed by this section.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 60, Section 32.056, Page 2, Line 17, by inserting after all of said section and line the following:

“34.376. 1. Sections 34.376 to 34.380 may be known as the “Transparency in Private Attorney Contracts Act”.

2. As used in sections 34.376 to 34.380, the following terms shall mean:

(1) “Government attorney”, an attorney employed by the state as an assistant attorney general;

(2) “Private attorney”, any private attorney or law firm;

(3) “State”, the state of Missouri, in any action instituted by the attorney general pursuant to section 27.060.

34.378. 1. The state shall not enter into a contingency fee contract with a private attorney unless the attorney general makes a written determination prior to entering into such a contract that contingency fee representation is both cost-effective and in the public interest. Any written determination shall include specific findings for each of the following factors:

(1) Whether there exists sufficient and appropriate legal and financial resources within the attorney general’s office to handle the matter;

(2) The time and labor required; the novelty, complexity, and difficulty of the questions involved; and the skill requisite to perform the attorney services properly;

(3) The geographic area where the attorney services are to be provided; and

(4) The amount of experience desired for the particular kind of attorney services to be provided and the nature of the private attorney’s experience with similar issues or cases.

2. If the attorney general makes the determination described in subsection 1 of this section, the attorney general shall request written proposals from private attorneys to represent the state, unless the attorney general determines that requesting proposals is not feasible under the circumstances and sets forth the basis for this determination in writing. If a request for proposals is issued, the attorney general shall choose the lowest and best bid or request the office of administration establish an independent panel to evaluate the proposals and choose the lowest and best bid.

3. The state may not enter into a contingency fee contract that provides for the private attorney to receive an aggregate contingency fee in excess of twenty-five percent of the net recovery to the state.

4. The state shall not enter into a contract for contingency fee attorney services unless the following requirements are met throughout the contract period and any extensions to the contract:

(1) The government attorneys shall retain complete control over the course and conduct of the case;

(2) A government attorney with supervisory authority shall oversee the litigation;

(3) The government attorneys shall retain veto power over any decisions made by outside counsel;

(4) A government attorney with supervisory authority for the case shall attend all settlement conferences; and

(5) Decisions regarding settlement of the case shall be reserved exclusively to the discretion of the attorney general.

5. The attorney general shall develop a standard addendum to every contract for contingent fee attorney services that shall be used in all cases, describing in detail what is expected of both the contracted private attorney and the state, including, without limitation, the requirements listed in subsection 4 of this section.

6. Copies of any executed contingency fee contract and the attorney general's written determination to enter into a contingency fee contract with the private attorney shall be posted on the attorney general's website for public inspection within five business days after the date the contract is executed and shall remain posted on the website for the duration of the contingency fee contract, including any extensions or amendments to the contract. Any payment of contingency fees shall be posted on the attorney general's website within fifteen days after the payment of such contingency fees to the private attorney and shall remain posted on the website for at least three hundred sixty-five days.

7. Any private attorney under contract to provide services to the state on a contingency fee basis shall, from the inception of the contract until at least four years after the contract expires or is terminated, maintain detailed current records, including documentation of all expenses, disbursements, charges, credits, underlying receipts and invoices, and other financial transactions that concern the provision of such attorney services. The private attorney shall maintain detailed contemporaneous time records for the attorneys and paralegals working on the matter in increments of no greater than one tenth of an hour and shall promptly provide these records to the attorney general, upon request. Any request under chapter 610 for inspection and copying of such records shall be served upon and responded to by the attorney general's office.

8. By February first of each year, the attorney general shall submit a report to the president pro tem of the senate and the speaker of the house of representatives describing the use of contingency fee contracts with private attorneys in the preceding calendar year. At a minimum, the report shall:

(1) Identify all new contingency fee contracts entered into during the year and all previously executed contingency fee contracts that remain current during any part of the year, and for each contract describe:

(a) The name of the private attorney with whom the department has contracted, including the

name of the attorney's law firm;

(b) The nature and status of the legal matter;

(c) The name of the parties to the legal matter;

(d) The amount of any recovery; and

(e) The amount of any contingency fee paid.

(2) Include copies of any written determinations made under subsections 1 and 2 of this section.

34.380. Nothing in sections 34.376 to 34.380 shall be construed to expand the authority of any state agency or state agent to enter into contracts where no such authority previously existed.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 9

Amend House Amendment No. 9 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 60, Page 2, Line 10, by inserting after all of said line, the following:

“Further amend said bill, Page 21, Section 429.015, Line 62, by inserting after all of said section and line, the following:

“444.771. Notwithstanding any other provision of law to the contrary, the commission and the department shall not issue any permits under this chapter or under chapters 643 or 644, RSMo, to any person whose mine plan boundary is within 1,000 feet of any real property where an accredited school has been located for at least five years prior to such application for permits made pursuant to these provisions, except that the provisions of this section shall not apply to any request for an expansion to an existing mine and/or to any underground mining operation.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 60, Page 14, Section 303.025, Line 53, by inserting after all of said line the following:

“304.120. 1. Municipalities, by ordinance, may establish reasonable speed regulations for motor vehicles within the limits of such municipalities. No person who is not a resident of such municipality and who has not been within the limits thereof for a continuous period of more than forty-eight hours, shall be convicted of a violation of such ordinances, unless it is shown by competent evidence that there was posted at the place where the boundary of such municipality joins or crosses any highway a sign displaying in black letters not less than four inches high and one inch wide on a white background the speed fixed by such municipality so that such sign may be clearly seen by operators and drivers from their vehicles upon entering such municipality.

2. Municipalities, by ordinance, may:

(1) Make additional rules of the road or traffic regulations to meet their needs and traffic conditions;

(2) Establish one-way streets and provide for the regulation of vehicles thereon;

(3) Require vehicles to stop before crossing certain designated streets and boulevards;

(4) Limit the use of certain designated streets and boulevards to passenger vehicles, **except that each municipality shall allow at least one street, with lawful traffic movement and access from both directions, to be available for use by commercial vehicles to access any roads in the state highway system. Under no circumstances shall the provisions of this subdivision be construed to authorize municipalities to limit the use of all streets in the municipality;**

(5) Prohibit the use of certain designated streets to vehicles with metal tires, or solid rubber tires;

(6) Regulate the parking of vehicles on streets by the installation of parking meters for limiting the time of parking and exacting a fee therefor or by the adoption of any other regulatory method that is reasonable and practical, and prohibit or control left-hand turns of vehicles;

(7) Require the use of signaling devices on all motor vehicles; and

(8) Prohibit sound producing warning devices, except horns directed forward.

3. No ordinance shall be valid which contains provisions contrary to or in conflict with this chapter, except as herein provided.

4. No ordinance shall impose liability on the owner-lessor of a motor vehicle when the vehicle is being permissively used by a lessee and is illegally parked or operated if the registered owner-lessor of such vehicle furnishes the name, address and operator's license number of the person renting or leasing the vehicle at the time the violation occurred to the proper municipal authority within three working days from the time of receipt of written request for such information. Any registered owner-lessor who fails or refuses to provide such information within the period required by this subsection shall be liable for the imposition of any fine established by municipal ordinance for the violation. Provided, however, if a leased motor vehicle is illegally parked due to a defect in such vehicle, which renders it inoperable, not caused by the fault or neglect of the lessee, then the lessor shall be liable on any violation for illegal parking of such vehicle.

5. No ordinance shall deny the use of commercial vehicles on all streets within the municipality.”;
and

Further amend said bill, Page 52, Section 516.140, Line 7, by inserting after all of said section and line the following:

“537.293. 1. Notwithstanding any other provision of law, the use of vehicles on a public street or highway in a manner which is legal under state and local law shall not constitute a public or private nuisance, and shall not be the basis of a civil action for public or private nuisance.

2. No individual or business entity shall be subject to any civil action in law or equity for a public or private nuisance on the basis of such individual or business entity legally using vehicles on a public street or highway. Any actions by a court in this state to enjoin the use of a public street or highway in violation of this section and any damages awarded or imposed by a court, or assessed by a jury, against an individual or business entity for public or private nuisance in violation of this section shall be null and void.

3. Notwithstanding any other provision of law, nothing in this section shall be construed to limit civil liability for compensatory damages arising from physical injury to another human being.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Engler, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SB 226**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

**CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 226**

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Bill No. 226, with House Amendment Nos. 1, 2, 3 and 4, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Bill No. 226, as amended;
2. The Senate recede from its position on Senate Substitute for Senate Bill No. 226;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 226 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Kevin Engler

/s/ Bob Dixon

/s/ Michael Parson

/s/ Victor E. Callahan

/s/ Joseph Keaveny

FOR THE HOUSE:

/s/ Ward Franz

/s/ Mike Bernskoetter

/s/ Lincoln Hough

/s/ Scott Sifton

/s/ Jill Schupp

Senator Engler moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Purgason—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Engler, **CCS** for **HCS** for **SS** for **SB 226**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 226

An Act to repeal sections 190.015, 190.035, 190.040, and 321.120, RSMo, and to enact in lieu thereof six new sections relating to emergency services.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Senator Dixon, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 173**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 173

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 173, with House Amendment Nos. 1, 2, 3, 4, 5, 6, 7 and 8, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 173, as amended;
2. The Senate recede from its position on Senate Bill No. 173;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 173, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Bob Dixon

/s/ Bill Stouffer

/s/ Scott T. Rupp

/s/ Victor E. Callahan

/s/ Jolie Justus

FOR THE HOUSE:

/s/ Mike Cierpiot

/s/ R. Thomas Long

/s/ Jason Smith

/s/ Joseph Fallert Jr.

/s/ Ron Casey

Senator Dixon moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Dixon, **CCS** for **HCS** for **SB 173**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 173

An Act to repeal sections 21.920, 227.107, 227.410, 238.202, 238.225, 238.235, 319.016, and 319.025, RSMo, and to enact in lieu thereof twelve new section relating to infrastructure.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce

Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Dixon, title to the bill was agreed to.

Senator Dixon moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Senator Stouffer moved that **SS** for **SB 118**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SB 118**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 118

An Act to repeal sections 198.006 and 198.074, RSMo, and to enact in lieu thereof two new sections relating to sprinkler system requirements in long-term care facilities.

Was taken up.

Senator Stouffer moved that **HCS** for **SS** for **SB 118**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson
Wright-Jones—33							

NAYS—Senator Goodman—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Stouffer, **HCS for SS for SB 118**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senator Goodman—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Parson moved that **SB 71**, with **HSA 1** for **HA 1**, as amended, and **HA 2**, be taken up for 3rd reading and final passage, which motion prevailed.

HSA 1 for **HA 1**, as amended, was taken up.

Senator Parson moved that the above amendment be adopted.

At the request of Senator Parson, the above motion was withdrawn, which placed the bill back on the calendar.

On motion of Senator Dempsey, the Senate recessed until 3:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Pearce.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS for SB 238**.

With House Amendment Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 238, Page 3, Section 87.006, Line 33, by inserting after all of said section and line the following:

“170.310. 1. Each school district that operates a high school, and each charter school that contains grades 9 to 12, shall provide instruction in cardiopulmonary resuscitation. Instruction may be embedded in any health education course in grades 9 to 12.

2. Instruction shall include hands-on practicing and skills testing to support cognitive learning. Instruction shall be through a program developed by the American Heart Association or the American Red Cross, or through a nationally recognized program based on the most current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation.

3. The teacher of the health education course shall not be required to be a certified trainer of cardiopulmonary resuscitation if the instruction is not designed to result in certification of students. Instruction that is designed to result in certification being earned shall be required to be taught by an authorized cardiopulmonary instructor. Schools may develop agreements with any local chapter of a voluntary organization of first responders to provide the required hands-on practice and skills testing.

4. Instruction as required under this section shall become a requirement for high school graduation for students graduating in the 2014-2015 school year and subsequent school years.

5. The department of elementary and secondary education may promulgate rules to implement this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 238, Page 3, Section 87.006, Line 33, by inserting after all of said line the following;

“87.120. The following words and phrases as used in sections 87.120 to 87.370, unless a different meaning is plainly required by the context, have the following meanings:

(1) “Accumulated contributions”, the sum of all amounts deducted from the compensation of a member and credited to his or her individual account in the members’ savings fund together with interest thereon;

(2) “Actuarial equivalent”, a benefit of equal value when computed upon the basis of such mortality tables and interest rate as shall be adopted by the board of trustees;

(3) “Average final compensation”, the average earnable compensation of the member during his or her last two years of service as a firefighter, or if the firefighter has less than two years of service, then the average earnable compensation of his or her entire period of service;

(4) “Beneficiary”, any person in receipt of a retirement allowance or other benefit as provided by sections 87.120 to 87.370;

(5) “Benefit reserve”, the present value of all payments to be made on account of any retirement allowance or benefit in lieu of a retirement allowance upon the basis of such mortality tables and interest rate as shall be adopted by the board of trustees;

(6) “Board of trustees”, the board provided for in section 87.140 to administer the retirement system;

(7) “City”, any city not within a county and adopting the retirement system provided by sections 87.120 to 87.370;

(8) “Creditable service”, prior service plus membership service as provided in section 87.135;

(9) “DROP”, the deferred retirement option plan provided in section 87.182;

(10) “Earnable compensation”, the regular compensation which a member would earn during one year on the basis of the stated compensation for his or her rank or position;

(11) “Firefighter”, any officer or employee of the fire department of the city employed by the city for the duty of fighting fires, but does not include anyone employed in a clerical or other capacity not involving fire-fighting duties. In case of doubt as to whether any person is a firefighter within the meaning of sections 87.120 to 87.370, the decision of the board of trustees shall be final;

(12) “Medical board”, the board of physicians provided for in section 87.160;

(13) “Member”, a member of the retirement system as defined by section 87.130;

(14) “Membership service”, service as a firefighter rendered since last becoming a member;

(15) “Prior service”, all service as a firefighter rendered prior to the date the system becomes operative which is creditable in accordance with the provisions of section 87.135;

(16) “Retirement allowance”, annual payments for life which shall be payable in equal monthly installments or any benefits in lieu thereof granted to a member upon retirement or to a beneficiary;

(17) “Retirement system”, the firefighter’s retirement system of any city as defined in section 87.125.

87.127. A retirement plan under sections 87.120 to 87.370 is intended to be a qualified governmental plan under the provisions of applicable federal law. The benefits and conditions of the plan shall be interpreted and the system shall be operated to ensure that the system meets the federal qualification requirements.

87.205. 1. Upon retirement for accidental disability **before August 28, 2011**, a member shall receive seventy-five percent of the pay then provided by law for the highest step in the range of salary for the title or rank held by such member at the time of such retirement unless the member is permanently and totally incapacitated from performing any work, occupation or vocation of any kind whatsoever and is continuously confined to the member’s home except for visits to obtain medical treatment, in which event the member may receive, in the discretion of the board of trustees, a retirement allowance in an amount not exceeding the member’s rate of compensation as a firefighter in effect as of the date the allowance begins.

2. Anyone who has retired pursuant to the provisions of section 87.170 and has been reinstated pursuant to subsection 2 of section 87.130 who subsequently becomes disabled, as provided in section 87.200, shall receive a total benefit which is the higher of either the disability pension or the service pension.

3. Upon retirement for accidental disability on or after August 28, 2011, based on conditions of the heart, lungs, or cancer or based on permanent and total disability which will prevent the member from obtaining employment elsewhere, as determined by the board of trustees based on medical evidence presented by the retirement system's physicians, a member shall receive, regardless of his or her number of years of credible service, seventy-five percent of the earnable compensation then provided for the step in the range of salary for the title or rank held by such member at the time of such retirement.

4. Except as provided in subsection 3 of this section, upon retirement for accidental disability on or after August 28, 2011, a member shall receive a base pension equal to twenty-five percent of the member's earnable compensation then provided for the step in the range of salary for the title or rank held by such member at the time of such retirement.

5. Except as provided in subsection 3 of this section, upon retirement for accidental disability on or after August 28, 2011, the member may elect to receive an education allowance in an amount not to exceed the tuition for a state resident at the University of Missouri-St. Louis. The accidentally disabled member shall enroll in a college, university, community college, or vocational or technical school at the first opportunity after the accidentally disabled member was retired and shall receive such educational allowance in the form of reimbursement upon proof of payment to such institution. The education allowance described in this subsection shall cease when the accidentally disabled member ceases to be a full-time student or if the accidentally disabled member is restored to active service as a firefighter, but in no event shall such education allowance be available for more than five years after the member is retired under section 87.200.

6. Except as provided in subsection 3 of this section, upon retirement for accidental disability on or after August 28, 2011, in addition to the base pension provided for in subsection 4 of this section and the education allowance provided for in subsection 5 of this section, members with twenty-five years or less of creditable service shall receive an additional accidental retirement pension equal to two and three-fourths percent of the member's earnable compensation then provided for the step in the range of salary for the title or rank held by such member at the time of retirement for each year of credible service equal to or greater than ten years but not more than twenty-five years.

7. Except as provided in subsection 3 of this section, upon retirement for accidental disability on or after August 28, 2011, in addition to the base pension provided for in subsection 4 of this section and the additional accidental retirement pension provided for in subsection 6 of this section, for members with twenty-five years or less of creditable service, then during such time that the disabled member is a full-time student in a college, university, community college, or vocational or technical school and is receiving the educational allowance provided for in subsection 5 of this section, such member shall also receive a supplemental disability retirement pension in the amount necessary so that his or her total accidental disability retirement pension, excluding the education allowance, shall be equal to one hundred percent of the earnable compensation then provided for the step in the range of salary for the title or rank held by such member at the time of such retirement. In no event shall such supplemental accidental disability pension be paid for a period more than five years after the member is retired under section 87.200.

8. Except as provided in subsection 3 of this section, upon retirement for accidental disability on or after August 28, 2011, in addition to the base pension provided for in subsection 4 of this section

and the education allowance provided for in subsection 5 of this section, for members with more than twenty-five years of credible service, such member shall also receive an additional pension equal to fifty percent of the member's earnable compensation then provided for the step in the range of salary for the title or rank held by such member at the time of such retirement.

9. Notwithstanding any other provisions in this section, upon retirement for accidental disability, other than as provided in subsection 3 of this section, on or after August 28, 2011, a member with more than twenty years of credible service but not more than twenty-five years of creditable service may waive the right to receive the education allowance provided for in subsection 5 of this section, the right to additional pension retirement allowance provided for in subsection 6 of this section, and the right to receive the supplemental disability retirement pension provided for in subsection 7 of this section and may elect to receive instead in addition to the accidental disability retirement base pension as provided for in subsection 4 of this section an additional pension from the date of such member's retirement equal to forty percent of the member's earnable compensation then provided for the step in the range of salary for the title or rank held by such member at the time of such retirement. Any such election shall be made prior to such member's receipt of his or her first accidental disability pension payment.

87.207. The following allowances due under the provisions of sections 87.120 to 87.371 of any member who retired from service shall be increased annually, as approved by the board of trustees beginning with the first increase in the October following his or her retirement and subsequent increases in each October thereafter, at the rates designated:

(1) With a retirement service allowance or ordinary disability allowance:

(a) One and one-half percent per year, compounded each year, up to age sixty for those retiring with twenty to twenty-four years of service,

(b) Two and one-fourth percent per year, compounded each year, up to age sixty for those retiring with twenty-five to twenty-nine years of service,

(c) Three percent per year, compounded each year, up to age sixty for those retiring with thirty or more years of service,

(d) After age sixty, five percent per year for five years;

(2) With an accidental disability allowance, three percent per year, compounded each year, up to age sixty, then five percent per year for five years. **Provided, however, for accidental disability on or after August 28, 2011, for reasons other than provided in subsection 3 of section 87.205, unless a member has more than twenty-five years of creditable service, the accidental disability allowance shall only increase at a rate of one percent per year, compounded each year, up to age sixty, then five percent per year for five years. For accidental disability on or after August 28, 2011, for reasons other than provided in subsection 3 of section 87.205, if a member has more than twenty-five years of creditable service, the accidental disability allowance shall only increase at a rate of two and one-fourth percent per year, compounded each year, up to age sixty, then five percent per year for five years.”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 325**, entitled:

An Act to repeal sections 333.041, 333.042, 333.051, 333.061, 333.091, 333.151, 333.171, 338.010, 338.140, 338.150, 338.210, 338.220, 338.240, 338.315, 338.330, 339.190, 429.015, 436.405, 436.412, 436.445, 436.450, 436.455, 436.456, and 516.098, RSMo, and to enact in lieu thereof twenty-seven new sections relating to professional registration, with penalty provisions and an emergency clause for a certain section.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 325, Page 8, Section 333.171, Line 7, by inserting after all of said line the following:

“335.036. 1. The board shall:

(1) Elect for a one-year term a president and a secretary, who shall also be treasurer, and the board may appoint, employ and fix the compensation of a legal counsel and such board personnel as defined in subdivision (4) of subsection 10 of section 324.001 as are necessary to administer the provisions of sections 335.011 to 335.096;

(2) Adopt and revise such rules and regulations as may be necessary to enable it to carry into effect the provisions of sections 335.011 to 335.096;

(3) Prescribe minimum standards for educational programs preparing persons for licensure pursuant to the provisions of sections 335.011 to 335.096;

(4) Provide for surveys of such programs every five years and in addition at such times as it may deem necessary;

(5) Designate as “approved” such programs as meet the requirements of sections 335.011 to 335.096 and the rules and regulations enacted pursuant to such sections; and the board shall annually publish a list of such programs;

(6) Deny or withdraw approval from educational programs for failure to meet prescribed minimum standards;

(7) Examine, license, and cause to be renewed the licenses of duly qualified applicants;

(8) Cause the prosecution of all persons violating provisions of sections 335.011 to 335.096, and may incur such necessary expenses therefor;

(9) Keep a record of all the proceedings; and make an annual report to the governor and to the director of the department of insurance, financial institutions and professional registration;

(10) Establish an impaired nurse program.

2. The board shall set the amount of the fees which this chapter authorizes and requires by rules and regulations. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering this chapter.

3. All fees received by the board pursuant to the provisions of sections 335.011 to 335.096 shall be deposited in the state treasury and be placed to the credit of the state board of nursing fund. All

administrative costs and expenses of the board shall be paid from appropriations made for those purposes. **The board is authorized to provide funding for the nursing education incentive program established in sections 335.200 to 335.203.**

4. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriation from the board's funds for the preceding fiscal year or, if the board requires by rule, permit renewal less frequently than yearly, then three times the appropriation from the board's funds for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the board's funds for the preceding fiscal year.

5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this chapter shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.”; and

Further amend said bill, Page 8, Section 335.099, Line 9, by inserting after all of said line the following:

“335.200. As used in sections 335.200 to [335.209] **335.203**, the following terms mean:

(1) “Board”, the [Missouri coordinating board for higher education] **state board of nursing**;

(2) “**Department**”, the **Missouri department of higher education**;

(3) “Eligible [nursing program] **institution of higher education**”, a **Missouri institution of higher education accredited by the higher learning commission of the north central association which offers a nursing education program [accredited under this chapter]**;

[(3) “Fund”, the nurse training incentive fund, established in section 335.203;]

(4) “[Incentive] Grant”, a grant awarded to [a nurse education program] **an eligible institution of higher education** under the guidelines set forth in sections **335.200 to 335.203** [to 335.209;

(5) “Nontraditional student”, a person admitted to an eligible nursing program that is older than twenty-two years of age at the time he is admitted to the nursing program;

(6) “Nurse”, a person holding a license as a registered nurse, pursuant to this chapter; and

(7) “Professional nursing education program”, a program of education accredited by the state board of nursing, pursuant to this chapter, designed to prepare persons for licensure as registered professional nurses with an enrollment of no less than sixty-five percent of the enrollment approved by the state board of nursing].

335.203. [The “Nurse Training Incentive Fund” is hereby established in the state treasury. The fund shall be administered by the coordinating board for higher education. The board shall base its appropriation request on enrollment, graduation and licensure figures for the previous year. The board may accept funds

from private, federal and other sources for the purposes of sections 335.200 to 335.209. All appropriations, private donations, and other funds provided to the board for the implementation of sections 335.200 to 335.209 shall be placed in the nurse training incentive fund. Notwithstanding the provisions of section 33.080 to the contrary, funds in the nurse training incentive fund shall not revert to the general revenue fund. Interest accruing to the fund shall be part of the fund. Grants provided pursuant to section 335.206 shall be made within the amounts appropriated therefor.] **1. There is hereby established the “Nursing Education Incentive Program” within the department of higher education.**

2. Subject to appropriation, grants shall be awarded through the nursing education incentive program to eligible institutions of higher education based on criteria jointly determined by the board and the department. Grant award amounts shall not exceed one hundred fifty thousand dollars. No campus shall receive more than one grant per year.

3. To be considered for a grant, an eligible institution of higher education shall offer a program of nursing that meets the predetermined category and area of need as established by the board and the department under subsection 4 of this section.

4. The board and the department shall determine categories and areas of need for designating grants to eligible institutions of higher education. In establishing categories and areas of need, the board and department may consider criteria including, but not limited to:

(1) Data generated from licensure renewal data and the department of health and senior services; and

(2) National nursing statistical data and trends that have identified nursing shortages.

5. The department shall be the administrative agency responsible for implementation of the program established under sections 335.200 to 335.203, and shall promulgate reasonable rules for the exercise of its functions and the effectuation of the purposes of sections 335.200 to 335.203. The department shall, by rule, prescribe the form, time, and method of filing applications and shall supervise the processing of such applications.

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.”; and

Further amend said bill, Page 21, Section 516.098, Line 6, by inserting after all of said line the following:

“[335.206. 1. The nurse training incentive fund shall, upon appropriation, be used to provide incentive grants to eligible nursing programs which increase enrollment. Grants shall not be awarded to classes begun on or after July 1, 1996.

2. Grants shall be awarded to eligible nursing programs which increase enrollment pursuant to subsection 3 of this section. Eligible programs receiving grants provided under sections 335.200 to 335.209 shall monitor the enrollment of nontraditional students in their program and shall

annually report to the board the number of nontraditional students enrolled therein. It shall be the intent of sections 335.200 to 335.209 to encourage the enrollment and graduation of nontraditional students in nursing education programs.

3. Incentive grants shall be awarded to professional nurse education programs, as follows:

(1) A grant of eight thousand dollars for each entering class of ten students by which the program increases its enrollment over the number of entering students admitted in the fall of 1989; and

(2) A grant of four hundred dollars for each student from each entering class cited in subdivision (1) of this section by which the program increases its number of graduates over the number of students graduated in the preceding year; or

(3) Beginning with the first graduating class of the classes which enter and are enrolled after August 28, 1990, a grant of four hundred dollars for each student by which the program increases its number of graduates over the number of graduates of the preceding year, if the program is not otherwise qualified to receive the grant provided pursuant to subdivision (1) of this section.]

[335.209. No rule or portion of a rule promulgated under the authority of sections 335.200 to 335.209 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.]”; and

Further amend said title, enacting clause and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS No. 2** for **SCS** for **SB 162**, entitled:

An Act to repeal sections 144.010, 144.020, 144.030, 144.070, 263.190, 263.200, 263.205, 263.220, 263.230, 263.232, 263.240, 263.241, 263.450, 268.121, 275.360, 276.416, 276.421, 276.436, 276.441, 276.446, and 411.280, RSMo, and to enact in lieu thereof fifteen new sections relating to agriculture, with penalty provisions.

With House Amendment No. 1, House Amendment No. 2 to House Amendment No. 2, House Amendment No. 2, as amended, House Amendment Nos. 3, 4, 5 and 6.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 162, Page 16, Section 144.070, Line 80, by inserting after all of said section and line the following:

“262.005. 1. Agriculture which provides food, energy, and security is the foundation and stabilizing force of Missouri’s economy. To protect this vital sector of Missouri’s economy, it shall be the right of persons to raise livestock in a humane manner without the state imposing an undue economic burden on livestock owners.

2. As used in this section, the following terms shall mean:

(1) **“Generally accepted scientific principles”, agricultural standards and practices established by the University of Missouri, and the most current industry standards and practices;**

(2) **“Humane manner”, care of livestock regarding the livestock’s health and environment in compliance with generally accepted scientific principles;**

(3) **“Livestock”, horses, cattle, swine, sheep, goats, ratite birds including but not limited to ostrich and emu, aquatic products as defined in section 277.024, llamas, alpaca, buffalo, elk documented as obtained from a legal source and not from the wild and raised in confinement for human consumption or animal husbandry, poultry or birds;**

(4) **“Undue economic burden”, expenses incurred resulting from changes in agricultural practices deemed legal under state or local laws or ordinances in effect at the time this section was enacted.”;**
and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2 TO
HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 162, Page 1, Line 12 by inserting after the word **“conservation”** the following:

“and upon receiving the consent of the department of conservation”

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 162, Page 16, Section 144.070, Line 80, by inserting after all of said section and line the following:

“252.040. 1. No wildlife shall be pursued, taken, killed, possessed or disposed of except in the manner, to the extent and at the time or times permitted by such rules and regulations; and any pursuit, taking, killing, possession or disposition thereof, except as permitted by such rules and regulations, are hereby prohibited. Any person violating this section shall be guilty of a misdemeanor except that any person violating any of the rules and regulations pertaining to record-keeping requirements imposed on licensed fur buyers and fur dealers shall be guilty of an infraction and shall be fined not less than ten dollars nor more than one hundred dollars.

2. After first notifying the department of conservation, wild elk may be destroyed by the land owner or lessor of land when such wild elk have caused any damage to agricultural property including, but not limited to, fences and crops.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 162, Page 16, Section 144.070, Line 80, by inserting after all of said section and line the following:

“262.815. 1. This section shall be known and may be cited as the “Missouri Farmland Trust Act”. The purpose of this section is to allow individuals and entities to donate, gift, or otherwise convey

farmland to the state department of agriculture for the purpose of preserving the land as farmland and to further provide beginning farmers with an opportunity to farm by allowing long-term low and variable cost leases, thereby making it affordable for the next generation of farmers to continue to produce food, fiber, and fuel.

2. There is hereby created the “Missouri Farmland Trust” which shall be implemented in a manner to accomplish the following objectives:

- (1) Protect and preserve Missouri’s farmland;
- (2) Link new generations of prospective farmers with present farmers; and
- (3) Promote best practices in environmental, livestock, and land stewardship.

3. (1) There is hereby created within the department of agriculture the “Missouri Farmland Trust Advisory Board” which shall be comprised of five members appointed by the director of the department of agriculture. Members shall serve without compensation but, subject to appropriations, may be reimbursed for actual and necessary expenses.

(2) The board shall make recommendations to the director on the appropriate uses of farmland in the trust, criteria to be used to select applicants for the program, and review and make recommendations regarding applications to lease farmland in the trust.

(3) Members shall serve five-year terms, with each term beginning July first and ending June thirtieth; except that, of the members initially appointed two shall be appointed for a term of three years, two shall be appointed for a term of four years, and one shall be appointed for a term of five years. Each member shall serve until his or her successor is appointed. Any vacancies occurring prior to the expiration of a term shall be filled by appointment for the remainder of such term. No member shall serve more than two consecutive terms.

4. The department of agriculture is authorized to accept or acquire by purchase, lease, donation, or agreement any agricultural lands, easements, real and personal property, or rights in lands, easements, or real and personal property, including but not limited to buildings, structures, improvements, equipment, or facilities subject to preservation and improvement. Such lands shall be properties of the Missouri farmland trust for purposes of this section and shall be governed by the provisions of this section and rules promulgated thereunder.

5. (1) There is hereby created in the state treasury the “Missouri Farmland Trust Fund”, which shall consist of all gifts, bequests, donations, transfers, and moneys appropriated by the general assembly under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. Upon appropriation, money in the fund shall be used for the administration of this section and may be used to make payments to counties for the value of land as payment in lieu of real and personal property taxes for privately owned land acquired after the effective date of this section in such amounts as determined by the department; except that, the amount determined shall not be less than the real property tax paid at the time of acquisition. The department of agriculture may require applicants who are awarded leases to pay the property taxes owed under this section for such property.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

6. The department of agriculture is authorized to accept all moneys, appropriations, gifts, bequests, donations, or other contributions of moneys or other real or personal property to be expended or used for any of the purposes of this section. The department may improve, maintain, operate, and regulate any such lands, easements, or real or personal property to promote agriculture and the general welfare using moneys in the fund. Property acquired by the department under this section shall be used for agricultural purposes. The director shall establish by rule guidelines for leasing farmland to the trust to beginning farmers for a period not to exceed twenty years. All property acquired by the department under this section shall be farmed and maintained using the best environmental, conservation, and stewardship practices as outlined by the department. The department may charge an administrative fee for lease application processing under this section.

7. The department, in consultation with the Missouri farmland advisory board, shall promulgate rules to implement the provisions of this section, including but not limited to requirements for lessees, selection process for granting leases, and the terms of the lease, including requirements for applicants, renewal process, requirements for the maintenance of real and personal property by the lessee, and conditions for the termination of leases.

8. Any person or entity donating land to or leasing land from the department shall forever release the state of Missouri, the Missouri department of agriculture, the department's director, officers, employees, volunteers, agents, contractors, servants, heirs, successors, assigns, persons, firms, corporations, representatives, and other entities who are or who will be acting in concert or privity with or on behalf of the state from any and all actions, claims, or demands that he or she, family members, heirs, successors, assigns, agents, servants, employees, distributees, guardians, next-of-kin, spouse, and legal representatives now have or may have in the future for any injury, death, property damage related to:

(1) Participation in such activities;

(2) The negligence, intentional acts, or other acts, whether directly connected to such activities or not, and however caused; and

(3) The condition of the premises where such activities occur.

9. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 162, Page 2, Section 144.010, Line 21, by inserting immediately following the word “**purposes**” the following:

“. The provision of this subdivision shall not apply to sales tax on a harvested animal”; and

Further amend said bill, Page 7, Section 144.030, Lines 17 and 20, by deleting the words “[or], poultry, or **captive wildlife**” and inserting in lieu thereof the words “or poultry”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 162, Page 1, Section A, Line 6, by inserting after all of said line and section the following:

“60.510. The functions, duties and responsibilities of the department of [natural resources] **agriculture** shall be as follows:

(1) To restore, maintain, and preserve the land survey monuments, section corners, and quarter section corners established by the United States public land survey within Missouri, together with all pertinent field notes, plats and documents; and also to restore, establish, maintain, and preserve other boundary markers considered by the department of [natural resources] **agriculture** to be of importance, or otherwise established by law;

(2) To design and cause to be placed at established public land survey corner sites, where practical, substantial monuments permanently indicating, with words and figures, the exact location involved, but if such monuments cannot be placed at the exact corner point, then witness corners of similar design shall be placed as near by as possible, with words and figures indicating the bearing and distance to the true corner;

(3) To establish, maintain, and provide safe storage facilities for a comprehensive system of recordation of information respecting all monuments established by the United States public land survey within this state, and such records as may be pertinent to the department of [natural resources'] **agricultures'** establishment or maintenance of other land corners, Missouri state coordinate system stations and accessories, and monuments in general;

(4) To extend throughout this state a triangulation and leveling net of precision, whereby the Missouri state coordinate system, as established by section 60.400, may be made to cover to the necessary extent those areas of the state which do not now have enough geodetic control stations to permit the general use of the system by land surveyors and others;

(5) To collect and preserve information obtained from surveys made by those authorized to establish land monuments or land boundaries, and to assist in the proper recording of the same by the duly constituted county officials, or otherwise;

(6) To furnish, upon reasonable request and tender of the required fees therefor, certified copies of records created or maintained by the department of [natural resources] **agriculture** which, when certified by the state land surveyor or a designated assistant, shall be admissible in evidence in any court in this state, as the original record;

(7) To prescribe, and disseminate to those engaged in the business of land surveying, advisory regulations designed to assist in uniform and professional surveying methods and standards in this state; and

(8) To select and appoint a state land surveyor, who shall be the chief administrative officer of the [authority] **land survey program**, and who shall hold office at the pleasure of the [authority] **director of the department of agriculture**.

60.530. The state land surveyor shall, under guidance of the department of [natural resources] **agriculture**, carry out the routine functions and duties of the department of [natural resources] **agriculture**, as prescribed in sections [60.500] **60.510** to 60.610. He shall, whenever practical, cause all land surveys, except geodetic surveys, to be executed, under his direction by the registered county surveyor or a local registered land surveyor when no registered county surveyor exists. He shall perform such other work and acts as shall, in the judgment of the department of [natural resources] **agriculture**, be necessary and proper to carry out the objectives of sections [60.500] **60.510** to 60.610 and, within the limits of appropriations made therefor and subject to the approval of the department of [natural resources] **agriculture**, employ and fix the compensation of such additional employees as may be necessary to carry out the provisions of sections [60.500] **60.510** to 60.610.

60.540. The department of [natural resources] **agriculture** may acquire, in the name of the state of Missouri, lands or interests therein, where necessary, to establish permanent control stations; and may lease or purchase or acquire by negotiation or condemnation, where necessary, land for the establishment of an office of the department of [natural resources] **agriculture**. If condemnation is necessary, the attorney general shall bring the suit in the name of the state in the same manner as authorized by law for the acquisition of lands by the state transportation department.

60.550. The custody and ownership of the original United States public land survey corners and accessories, including all restoration and replacements thereof and all accessories, belonging to the state of Missouri is hereby transferred to the department of [natural resources] **agriculture**. The department of [natural resources] **agriculture** shall see that the markers are maintained, and the alteration, removal, disfiguration or destruction of any of the corners or accessories, without specific permission of the department of [natural resources] **agriculture**, is an act of destruction of state property and is a misdemeanor. Any person convicted thereof shall be punished as provided by law. Each of the several prosecuting attorneys is specifically directed to prosecute for the violation of this section for any act of destruction which occurs in his **or her** county.

60.560. Upon request, the state attorney general shall advise the department of [natural resources] **agriculture** or the state land surveyor with respect to any legal matter, and shall represent the department of [natural resources] **agriculture or state land surveyor** in any proceeding in any court of the state in which the [authority] **department or state land surveyor** shall be a party.

60.580. The state land surveyor or any and all employees of the department of [natural resources] **agriculture** have the right to enter upon private property for the purpose of making surveys, or for searching for, locating, relocating, or remonumenting land monuments, leveling stations, or section corners. Should any of these persons necessarily damage property of the owner in making the surveys or searches or remonumentations, the department of [natural resources] **agriculture** may make reasonable payment for the damage from funds available for that purpose. However, department of [natural resources] **agriculture** employees are personally liable for any damage caused by their wantonness, willfulness, or negligence. All department of [natural resources] **agriculture** employees are immune from arrest for trespass in performing their legal duties as stated in sections [60.500] **60.510** to 60.610.

60.590. 1. On request of the department of [natural resources] **agriculture** or the state land surveyor, all city and county recorders of deeds, together with all departments, boards or agencies of state government, county, or city government, shall furnish to the department of [natural resources] **agriculture** or the state land surveyor certified copies of desired records which are in their custody. This service shall

be free of cost when possible; otherwise, it shall be at actual cost of reproduction of the records. On the same basis of cost, the department of [natural resources] **agriculture** shall furnish records within its custody to other agencies or departments of state, county or city, certifying them.

2. The department of [natural resources] **agriculture** may produce, reproduce and sell maps, plats, reports, studies, and records, and shall fix the charge therefor. All income received shall be promptly deposited in the state treasury to the credit of the department of [natural resources document] **agriculture revolving** services fund.

60.595. 1. The "Department of [Natural Resources] **Agriculture Revolving Services Fund**" is hereby created. All funds received by the department of [natural resources] **agriculture** from the delivery of services and the sale or resale of maps, plats, reports, studies, records and other publications and documents by the department shall be credited to the fund. The director of the department shall administer the fund. The state treasurer is the custodian of the fund and [shall] **may** approve disbursements from the fund requested by the director of the department. When appropriated, moneys in the fund shall be used to purchase goods or services that will ultimately be used to reprint maps, publications or other documents requested by governmental agencies or members of the general public; to publish the maps, publications or other documents or to purchase maps, publications or other documents for resale; and to pay shipping charges, laboratory services, core library fees, workshops, conferences, interdivisional cooperative agreements, but for no other purpose.

2. An unencumbered balance in the fund at the end of the fiscal year not exceeding one million dollars is exempt from the provisions of section 33.080 relating to the transfer of unexpended balances to the general revenue fund.

3. The department of [natural resources] **agriculture** shall report all income to and expenditures from such fund on a quarterly basis to the house budget committee and the senate appropriations committee.

60.600. Every employee of the department of [natural resources] **agriculture** who is engaged in work required by law to be done by a registered land surveyor [will] **shall** be so registered. No employee of the department of [natural resources] **agriculture** shall engage in private land surveying or consultation while employed by the department of [natural resources] **agriculture**.

60.610. Whenever the department of [natural resources] **agriculture** deems it expedient, and when funds appropriated permit, the department of [natural resources] **agriculture** may enter into any contract with agencies of the United States, with agencies of other states, or with private persons, registered land surveyors or professional engineers, in order to plan and execute desired land surveys or geodetic surveys, or to plan and execute other projects which are within the scope and purpose of sections [60.500] **60.510** to 60.610.

60.620. 1. There is hereby created the "Land Survey Advisory Committee", within the department of [natural resources] **agriculture**. The committee shall consist of five members appointed by the director of the department of [natural resources] **agriculture**. Members of the committee shall hold office for terms of three years, but of the original appointments, two members shall serve for one year, two members shall serve for two years, and one member shall serve for three years.

2. The advisory committee shall consist of persons who reside in this state and are not employed by the department of [natural resources] **agriculture**. Three members shall be registered land surveyors, one of which shall be a county surveyor. One member shall represent the real estate or land title industry.

3. The advisory committee shall elect a chairman annually. The committee shall meet semiannually and at other such times as called by the chairman of the committee and shall have a quorum when at least three members are present.

4. The advisory committee members shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

5. The advisory committee shall provide the director of the department of [natural resources] **agriculture** with advice and counsel on the planning and prioritization of the program and the design of regulations needed to carry out the functions, duties, and responsibilities of the department of [natural resources] **agriculture**.

6. The committee shall, at least annually, prepare a report, which shall be available to the general public, of the review by the committee of the land survey program, stating its findings, conclusions, and recommendations to the director.

60.653. 1. It shall be the duty of the recorder of deeds to maintain a copy of all survey plats delivered to his custody in an appropriate file medium capable of reproduction.

2. Survey plats shall be placed in the plat books or such other record books as have been previously established.

3. A duplicate of the recorded survey plat shall be provided to the land survey [division] **program** of the department of [natural resources] **agriculture** at an amount not to exceed the actual cost of the duplicate.

4. The recorder shall maintain an index of all survey plats, subdivision plats, and condominium plats by section, township, and range and by subdivision or condominium name.

5. Copies of survey plats shall be evidence in all courts of justice when properly certified under the hand and official seal of the recorder.

60.670. 1. As used in this section, the following terms shall mean:

(1) "Cadastral parcel mapping", an accurately delineated identification of all real property parcels. The cadastral map is based upon the USPLSS. For cadastral parcel maps the position of the legal framework is derived from the USPLSS, existing tax maps, and tax database legal descriptions, recorded deeds, recorded surveys, and recorded subdivision plats;

(2) "Digital cadastral parcel mapping", encompasses the concepts of automated mapping, graphic display and output, data analysis, and database management as pertains to cadastral parcel mapping. Digital cadastral parcel mapping systems consist of hardware, software, data, people, organizations, and institutional arrangements for collecting, storing, analyzing, and disseminating information about the location and areas of parcels and the USPLSS;

(3) "USPLSS" or "United States Public Land Survey System", a survey executed under the authority of the United States government as recorded on the official plats and field notes of the United States public land survey maintained by the land survey program of the department of [natural resources] **agriculture**;

(4) "Tax map", a document or map for taxation purposes representing the location, dimensions, and other relevant information pertaining to a parcel of land subject to property taxes.

2. The office of the state land surveyor established within the department of [natural resources] **agriculture** shall promulgate rules and regulations establishing minimum standards for digital cadastral

parcel mapping. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

3. Any map designed and used to reflect legal property descriptions or boundaries for use in a digital cadastral mapping system shall comply with the rules promulgated under this section, unless the party requesting the map specifies otherwise in writing, the map was designed and in use prior to the promulgation of the rules, or the parties requesting and designing the map have already agreed to the terms of their contract on the effective date of the rules promulgation.”; and

Further amend said bill, Page 16, Section 144.030, Line 80, by inserting after all of said section and line the following:

“261.023. 1. There is hereby created a department of agriculture to be headed by a director of the department of agriculture to be appointed by the governor, by and with the advice and consent of the senate. The director shall possess the qualifications presently provided by law for the position of commissioner of agriculture.

2. All powers, duties and functions now vested by law to the commissioner of the department of agriculture and the department of agriculture, chapter 261 and others, are transferred by type I transfer to the director of the department of agriculture and to the department of agriculture herein created.

3. The state horticultural society created by sections 262.010 and 262.020 is transferred by type I transfer to the department of agriculture.

4. All the powers, duties, and functions vested in the state milk board, chapter 196, are transferred to the department of agriculture by type III transfer. The appointed members of the board shall be nominated by the department director, and appointed by the governor with the advice and consent of the senate. The department of health and senior services shall retain the powers, duties and functions assigned by chapter 196.

5. All the powers, duties, functions and properties of the state fruit experiment station, chapter 262, are transferred by type I transfer to the Southwest Missouri State University and fruit experiment station board of trustees is abolished.

6. All the powers, duties and functions of the department of revenue relating to the inspection of motor fuel and special fuel distributors, chapters 323 and 414, are transferred by type I transfer to the department of agriculture and to the director of that department. The collection of the taxes provided in chapters 142 and 136, however, shall be made by the department of revenue.

7. All the powers, duties, and functions of the land survey program of the department of natural resources are transferred to the department of agriculture by type I transfer. In no case shall any cost allocation plan charged to the land survey program be greater than the cost allocation plan charged to any other program within the department of agriculture.”; and

Further amend said bill, Page 25, Section 411.280, Line 7, by inserting after all of said section and line

the following:

“640.010. 1. There is hereby created a department of natural resources in charge of a director appointed by the governor, by and with the advice and consent of the senate. The director shall administer the programs assigned to the department relating to environmental control and the conservation and management of natural resources. The director shall coordinate and supervise all staff and other personnel assigned to the department. He shall faithfully cause to be executed all policies established by the boards and commissions assigned to the department, be subject to their decisions as to all substantive and procedural rules and his decisions shall be subject to appeal to the board or commission on request of the board or commission or by affected parties. The director shall recommend policies to the various boards and commissions assigned to the department to achieve effective and coordinated environmental control and natural resource conservation policies.

2. The director shall appoint directors of staff to service each of the policy making boards or commissions assigned to the department. Each director of staff shall be qualified by education, training and experience in the technical matters of the board to which he is assigned and his appointment shall be approved by the board to which he is assigned and he shall be removed or reassigned on their request in writing to the director of the department. All other employees of the department and of each board and commission assigned to the department shall be appointed by the director of the department in accord with chapter 36, and shall be assigned and may be reassigned as required by the director of the department in such a manner as to provide optimum service, efficiency and economy.

3. The air conservation commission, chapter 203 and others, the clean water commission, chapter 204 and others, are transferred by type II transfer to the department of natural resources. The governor shall appoint the members of these bodies in accord with the laws establishing them, with the advice and consent of the senate. The bodies hereby transferred shall retain all rulemaking and hearing powers allotted by law, as well as those of any bodies transferred to their jurisdiction. All the powers, duties and functions of the state environmental improvement authority, chapter 260 and others, are transferred by type III transfer to the air conservation commission. All the powers, duties and functions of the water resources board, chapter 256 and others, are transferred by type I transfer to the clean water commission and the board is abolished. No member of the clean water commission shall receive or shall have received, during the previous two years from the date of his appointment, a significant portion of his income directly or indirectly from permit holders or applicants for a permit under the jurisdiction of the clean water commission. The state park board, chapter 253, is transferred to the department of natural resources by type I transfer.

4. All the powers, duties and functions of the state soil and water districts commission, chapter 278 and others, are transferred by a type II transfer to the department.

5. All the powers, duties and functions of the state geologist, chapter 256 and others, are transferred by type I transfer to the department of natural resources. [All the powers, duties and functions of the state land survey authority, chapter 60, are transferred to the department of natural resources by type I transfer and the authority is abolished.] All the powers, duties and functions of the state oil and gas council, chapter 259 and others are transferred to the department of natural resources by type II transfer. The director of the department shall appoint a state geologist who shall have the duties to supervise and coordinate the work formerly done by the departments or authorities abolished by this subsection, and shall provide staff services for the state oil and gas council.

6. All the powers, duties and functions of the land reclamation commission, chapter 444 and others, are

transferred to the department of natural resources by type II transfer. All necessary personnel required by the commission shall be selected, employed and discharged by the commission. The director of the department shall not have the authority to abolish positions.

7. The functions performed by the division of health in relation to the maintenance of a safe quality of water dispensed to the public, sections 640.100 to 640.115, and others, and for licensing and regulating solid waste management systems and plans are transferred by type I transfer to the department of natural resources.

8. (1) The state interagency council for outdoor recreation, chapter 258, is transferred to the department of natural resources by type II transfer. The council shall consist of representatives of the following state agencies: department of agriculture; department of conservation; office of administration; department of natural resources; department of economic development; department of social services; department of transportation; and the University of Missouri.

(2) The council shall function as provided in chapter 258, except that the department of natural resources shall provide all staff services as required by the council notwithstanding the provisions of sections 258.030 and 258.040, and all personnel and property of the council are hereby transferred by type I transfer to the department of natural resources and the office of executive secretary to the council is abolished.

Section A. The provisions of sections 60.510, 60.530, 60.540, 60.550, 60.560, 60.580, 60.590, 60.595, 60.600, 60.610, 60.620, 60.653, 60.670, 261.023, and 640.010 of section A of this Act shall become effective August 28, 2012.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 162, Page 24, Section 276.441, Line 12, by inserting immediately after said line the following:

“338.010. 1. The “practice of pharmacy” means the interpretation, implementation, and evaluation of medical prescription orders, including **any legend drugs under 21 U.S.C. Section 353**; receipt, transmission, or handling of such orders or facilitating the dispensing of such orders; the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by the prescription order so long as the prescription order is specific to each patient for care by a pharmacist; the compounding, dispensing, labeling, and administration of drugs and devices pursuant to medical prescription orders and administration of viral influenza, pneumonia, shingles and meningitis vaccines by written protocol authorized by a physician for persons twelve years of age or older as authorized by rule or the administration of pneumonia, shingles, and meningitis vaccines by written protocol authorized by a physician for a specific patient as authorized by rule; the participation in drug selection according to state law and participation in drug utilization reviews; the proper and safe storage of drugs and devices and the maintenance of proper records thereof; consultation with patients and other health care practitioners, **and veterinarians and their clients about legend drugs**, about the safe and effective use of drugs and devices; and the offering or performing of those acts, services, operations, or transactions necessary in the conduct, operation, management and control of a pharmacy. No person shall engage in the practice of pharmacy unless he is licensed under the provisions of this chapter. This chapter shall not be construed to prohibit the use of auxiliary personnel under the direct supervision of a pharmacist from assisting the pharmacist in any of his

or her duties. This assistance in no way is intended to relieve the pharmacist from his **or her** responsibilities for compliance with this chapter and he **or she** will be responsible for the actions of the auxiliary personnel acting in his **or her** assistance. This chapter shall also not be construed to prohibit or interfere with any legally registered practitioner of medicine, dentistry, **or** podiatry, or veterinary medicine **only for use in animals**, or the practice of optometry in accordance with and as provided in sections 195.070 and 336.220 in the compounding, **administering, prescribing,** or dispensing of his **or her** own prescriptions.

2. Any pharmacist who accepts a prescription order for a medication therapeutic plan shall have a written protocol from the physician who refers the patient for medication therapy services. The written protocol and the prescription order for a medication therapeutic plan shall come from the physician only, and shall not come from a nurse engaged in a collaborative practice arrangement under section 334.104, or from a physician assistant engaged in a supervision agreement under section 334.735.

3. Nothing in this section shall be construed as to prevent any person, firm or corporation from owning a pharmacy regulated by sections 338.210 to 338.315, provided that a licensed pharmacist is in charge of such pharmacy.

4. Nothing in this section shall be construed to apply to or interfere with the sale of nonprescription drugs and the ordinary household remedies and such drugs or medicines as are normally sold by those engaged in the sale of general merchandise.

5. No health carrier as defined in chapter 376 shall require any physician with which they contract to enter into a written protocol with a pharmacist for medication therapeutic services.

6. This section shall not be construed to allow a pharmacist to diagnose or independently prescribe pharmaceuticals.

7. The state board of registration for the healing arts, under section 334.125, and the state board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Such rules shall require protocols to include provisions allowing for timely communication between the pharmacist and the referring physician, and any other patient protection provisions deemed appropriate by both boards. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither board shall separately promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

8. The state board of pharmacy may grant a certificate of medication therapeutic plan authority to a licensed pharmacist who submits proof of successful completion of a board-approved course of academic clinical study beyond a bachelor of science in pharmacy, including but not limited to clinical assessment skills, from a nationally accredited college or university, or a certification of equivalence issued by a nationally recognized professional organization and approved by the board of pharmacy.

9. Any pharmacist who has received a certificate of medication therapeutic plan authority may engage

in the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by a prescription order from a physician that is specific to each patient for care by a pharmacist.

10. Nothing in this section shall be construed to allow a pharmacist to make a therapeutic substitution of a pharmaceutical prescribed by a physician unless authorized by the written protocol or the physician's prescription order.

11. “Veterinarian”, “doctor of veterinary medicine”, “practitioner of veterinary medicine”, “DVM”, “VMD”, “BVSe”, “BVMS”, “BSe (Vet Science)”, “VMB”, “MRCVS”, or an equivalent title means a person who has received a doctor’s degree in veterinary medicine from an accredited school of veterinary medicine or holds an Educational Commission for Foreign Veterinary Graduates (EDFVG) certificate issued by the American Veterinary Medical Association (AVMA).

338.140. 1. The board of pharmacy shall have a common seal, and shall have power to adopt such rules and bylaws not inconsistent with law as may be necessary for the regulation of its proceedings and for the discharge of the duties imposed pursuant to sections 338.010 to 338.198, and shall have power to employ an attorney to conduct prosecutions or to assist in the conduct of prosecutions pursuant to sections 338.010 to 338.198.

2. The board shall keep a record of its proceedings.

3. The board of pharmacy shall make annually to the governor and, upon written request, to persons licensed pursuant to the provisions of this chapter a written report of its proceedings.

4. The board of pharmacy shall appoint an advisory committee composed of [five] **six** members, one of whom shall be a representative of pharmacy but who shall not be a member of the pharmacy board, three of whom shall be representatives of wholesale drug distributors as defined in section 338.330, [and] one of whom shall be a representative of drug manufacturers, **and one of whom shall be a licensed veterinarian recommended to the board of pharmacy by the board of veterinary medicine.** The committee shall review and make recommendations to the board on the merit of all rules and regulations dealing with pharmacy distributors, wholesale drug distributors [and], drug manufacturers, **and veterinary legend drugs** which are proposed by the board.

5. A majority of the board shall constitute a quorum for the transaction of business.

6. Notwithstanding any other provisions of law to the contrary, the board may issue letters of reprimand, censure or warning to any holder of a license or registration required pursuant to this chapter for any violations that could result in disciplinary action as defined in section 338.055.

338.150. Any person authorized by the board of pharmacy is hereby given the right of entry and inspection upon all open premises purporting or appearing to be drug or chemical stores, apothecary shops, pharmacies or places of business for exposing for sale, or the dispensing or selling of drugs, pharmaceuticals, medicines, chemicals or poisons or for the compounding of physicians' **or veterinarians'** prescriptions.

338.210. 1. Pharmacy refers to any location where the practice of pharmacy occurs or such activities are offered or provided by a pharmacist or another acting under the supervision and authority of a pharmacist, including every premises or other place:

(1) Where the practice of pharmacy is offered or conducted;

(2) Where drugs, chemicals, medicines, **any legend drugs under 21 U.S.C. Section 353**, prescriptions,

or poisons are compounded, prepared, dispensed or sold or offered for sale at retail;

(3) Where the words “pharmacist”, “apothecary”, “drugstore”, “drugs”, and any other symbols, words or phrases of similar meaning or understanding are used in any form to advertise retail products or services;

(4) Where patient records or other information is maintained for the purpose of engaging or offering to engage in the practice of pharmacy or to comply with any relevant laws regulating the acquisition, possession, handling, transfer, sale or destruction of drugs, chemicals, medicines, prescriptions or poisons.

2. All activity or conduct involving the practice of pharmacy as it relates to an identifiable prescription or drug order shall occur at the pharmacy location where such identifiable prescription or drug order is first presented by the patient or the patient’s authorized agent for preparation or dispensing, unless otherwise expressly authorized by the board.

3. The requirements set forth in subsection 2 of this section shall not be construed to bar the complete transfer of an identifiable prescription or drug order pursuant to a verbal request by or the written consent of the patient or the patient’s authorized agent.

4. The board is hereby authorized to enact rules waiving the requirements of subsection 2 of this section and establishing such terms and conditions as it deems necessary, whereby any activities related to the preparation, dispensing or recording of an identifiable prescription or drug order may be shared between separately licensed facilities.

5. If a violation of this chapter or other relevant law occurs in connection with or adjunct to the preparation or dispensing of a prescription or drug order, any permit holder or pharmacist-in-charge at any facility participating in the preparation, dispensing, or distribution of a prescription or drug order may be deemed liable for such violation.

6. Nothing in this section shall be construed to supersede the provisions of section 197.100.

338.220. 1. It shall be unlawful for any person, copartnership, association, corporation or any other business entity to open, establish, operate, or maintain any pharmacy as defined by statute without first obtaining a permit or license to do so from the Missouri board of pharmacy. A permit shall not be required for an individual licensed pharmacist to perform nondispensing activities outside of a pharmacy, as provided by the rules of the board. A permit shall not be required for an individual licensed pharmacist to administer drugs, vaccines, and biologicals by protocol, as permitted by law, outside of a pharmacy. The following classes of pharmacy permits or licenses are hereby established:

- (1) Class A: Community/ambulatory;
- (2) Class B: Hospital outpatient pharmacy;
- (3) Class C: Long-term care;
- (4) Class D: Nonsterile compounding;
- (5) Class E: Radio pharmaceutical;
- (6) Class F: Renal dialysis;
- (7) Class G: Medical gas;
- (8) Class H: Sterile product compounding;
- (9) Class I: Consultant services;

(10) Class J: Shared service;

(11) Class K: Internet;

(12) Class L: Veterinary.

2. Application for such permit or license shall be made upon a form furnished to the applicant; shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration; and shall be accompanied by a permit or license fee. The permit or license issued shall be renewable upon payment of a renewal fee. Separate applications shall be made and separate permits or licenses required for each pharmacy opened, established, operated, or maintained by the same owner.

3. All permits, licenses or renewal fees collected pursuant to the provisions of sections 338.210 to 338.370 shall be deposited in the state treasury to the credit of the Missouri board of pharmacy fund, to be used by the Missouri board of pharmacy in the enforcement of the provisions of sections 338.210 to 338.370, when appropriated for that purpose by the general assembly.

4. Class L: veterinary permit shall not be construed to prohibit or interfere with any legally registered practitioner of veterinary medicine in the compounding, **administering, prescribing,** or dispensing of their own prescriptions, **or medicine, drug, or pharmaceutical product to be used for animals.**

5. [Notwithstanding any other law to the contrary] **Except for any legend drugs under 21 U.S.C. Section 353,** the provisions of this section shall not apply to the sale, dispensing, or filling of a pharmaceutical product or drug used for treating animals.

338.240. 1. Upon evidence satisfactory to the said Missouri board of pharmacy:

(1) That the pharmacy for which a permit, or renewal thereof, is sought, will be conducted in full compliance with sections 338.210 to 338.300, with existing laws, and with the rules and regulations as established hereunder by said board;

(2) That the equipment and facilities of such pharmacy are such that it can be operated in a manner not to endanger the public health or safety;

(3) That such pharmacy is equipped with proper pharmaceutical and sanitary appliances and kept in a clean, sanitary and orderly manner;

(4) That the management of said pharmacy is under the supervision of either a registered pharmacist, or an owner or employee of the owner, who has at his **or her** place of business a registered pharmacist employed for the purpose of compounding physician's **or veterinarian's** prescriptions in the event any such prescriptions are compounded or sold;

(5) That said pharmacy is operated in compliance with the rules and regulations legally prescribed with respect thereto by the Missouri board of pharmacy, a permit or renewal thereof shall be issued to such persons as the said board of pharmacy shall deem qualified to conduct such pharmacy.

2. In lieu of a registered pharmacist as required by subdivision (4) of subsection 1 of this section, a pharmacy permit holder that only holds a class L veterinary permit and no other pharmacy permit, may designate a supervising registered pharmacist who shall be responsible for reviewing the activities and records of the class L pharmacy permit holder as established by the board by rule. The supervising registered pharmacist shall not be required to be physically present on site during the

business operations of a class L pharmacy permit holder identified in subdivision (5) of subsection 1 of this section when noncontrolled legend drugs under 21 U.S.C. Section 353 are being dispensed for use in animals, but shall be specifically present on site when any noncontrolled drugs for use in animals are being compounded.

338.315. It shall be unlawful for any pharmacist, pharmacy owner or person employed by a pharmacy to knowingly purchase or receive any legend drugs **under 21 U.S.C. Section 353** from other than a licensed or registered drug distributor or licensed pharmacy. Any person who violates the provisions of this section shall, upon conviction, be adjudged guilty of a class A misdemeanor. Any subsequent conviction shall constitute a class D felony.

338.330. As used in sections 338.300 to 338.370, the following terms mean:

(1) “Out-of-state wholesale drug distributor”, a wholesale drug distributor with no physical facilities located in the state;

(2) “Pharmacy distributor”, any licensed pharmacy, as defined in section 338.210, engaged in the delivery or distribution of legend drugs to any other licensed pharmacy where such delivery or distribution constitutes at least five percent of the total gross sales of such pharmacy;

(3) “**Legend drug**”:

(a) **Any drug or biological product:**

a. Subject to Section 503(b) of the Federal Food, Drug and Cosmetic Act, including finished dosage forms and active ingredients subject to such section;

b. Required under federal law to be labeled with one of the following statements prior to being dispensed or delivered:

(i) “**Caution: Federal law prohibits dispensing without prescription**”;

(ii) “**Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian**”;
or

(iii) “**Rx only**”;

c. Required by any applicable federal or state law or regulation to be dispensed by prescription only or that is restricted to use or dispensed by practitioners only;

(b) The term “**drug**”, “**prescription drug**”, or “**legend drug**” shall not include:

a. An investigational new drug, as defined in 21 CFR 312.3(b), that is being utilized for the purposes of conducting a clinical trial or investigation of such drug or product that is governed by and being conducted under 21 CFR 312, et seq.;

b. Any drug product being utilized for the purposes of conducting a clinical trial or investigation that is governed by and being conducted under 21 CFR 312, et seq.;

c. Any drug product being utilized for the purposes of conducting a clinical trial or investigation that is governed or approved by an institutional review board subject to 21 CFR Part 56 or 45 CFR Part 46;

(4) “**Wholesale drug distributor**”, anyone engaged in the delivery or distribution of legend drugs from any location and who is involved in the actual, constructive or attempted transfer of a drug or drug-related

device in this state, other than to the ultimate consumer. This shall include, but not be limited to, drug wholesalers, repackagers and manufacturers which are engaged in the delivery or distribution of drugs in this state, with facilities located in this state or in any other state or jurisdiction. A wholesale drug distributor shall not include any common carrier or individual hired solely to transport legend drugs. Any locations where drugs are delivered on a consignment basis, as defined by the board, shall be exempt from licensure as a drug distributor, and those standards of practice required of a drug distributor but shall be open for inspection by board of pharmacy representatives as provided for in section 338.360.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 351**, entitled:

An Act to repeal section 453.121, RSMo, and to enact in lieu thereof one new section relating to adoption records.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 351, Page 2, Section 453.121, Line 25, by deleting the number “**10**” and inserting in lieu thereof the number “**9**”; and

Further amend said bill, Page 2, Section 453.121, Line 28, by deleting the number “**10**” and inserting in lieu thereof the number “**9**”; and

Further amend said bill, Page 3, Section 453.121, Line 71, by inserting after the word “court” the phrase “**or if a biological parent is found to be deceased**”; and

Further amend said bill, Pages 3 and 4, Section 453.121, Lines 84 to 93, by deleting all of said lines and inserting in lieu thereof the following:

“8. [If the biological parent is deceased but previously had filed an affidavit with the court stating that identifying information shall be disclosed, the information shall be forwarded to and released by the court to the adopted adult. If the biological parent is deceased and, at any time prior to his death, the biological parent did not file an affidavit with the court stating that the identifying information shall be disclosed, the adopted adult may petition the court for an order releasing the identifying information. The court shall grant the petition upon a finding that disclosure of the information is necessary for health-related purposes.

9.] Any adopted adult whose adoption was finalized in this state or whose biological”; and

Further amend said bill, Page 4, Section 453.121, Line 100, by deleting the number “10.” and inserting in lieu thereof the following: “[10.] **9.**”; and

Further amend said bill, Page 4, Section 453.121, Line 118, by deleting the number “11.” and inserting in lieu thereof the following: “[11.] **10.**”; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 356**, entitled:

An Act to repeal sections 21.801, 144.010, 144.020, 144.030, 144.070, 263.190, 263.200, 263.205, 263.220, 263.230, 263.232, 263.240, 263.241, 263.450, 268.121, 275.360, 276.401, 276.416, 276.421, 276.436, 276.441, 276.446, and 411.280, RSMo, and to enact in lieu thereof twenty-five new sections relating to agriculture, with penalty provisions and an emergency clause for a certain section.

With House Amendment Nos. 1, 2, 3 and 4.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 356, Page 20, Section 262.005, Line 11, by inserting immediately after the number “(3)” the following:

“Livestock”, horses, cattle, swine, sheep, goats, ratite birds including but not limited to ostrich and emu, aquatic products as defined in section 277.024, llamas, alpaca, buffalo, elk documented as obtained from a legal source and not from the wild and raised in confinement for human consumption or animal husbandry, poultry or birds;

(4)”; and

Further amend said bill, page and section, Line 12, by deleting all of said line and inserting in lieu thereof the following:

“agricultural practices deemed legal under state or local laws or ordinances in effect at the time this section was enacted.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 356, Page 21, Section 263.190, Line 40, by deleting all of said line and inserting in lieu thereof the following:

“4. All sales of noxious weed species are prohibited.”; and

Further amend said bill, Page 22, Section 263.241, Lines 1-14, by deleting all of said section and lines; and

Further amend said bill, Page 34, Section 263.232, Line 20, by inserting after all of said section and line the following:

“[263.241. The plant, purple loosestrife (*Lythrum salicaria*), and any hybrids thereof, is hereby designated a noxious weed. No person shall buy, sell, offer for sale, distribute or plant seeds, plants or parts of plants of purple loosestrife without a permit issued by the Missouri department of conservation. Such permits shall be issued only for experiments to control and eliminate nuisance weeds. Any person who violates the provisions of this section shall be guilty of a class A misdemeanor.]”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 356, Page 5, Section 144.010, Line 21, by inserting immediately following the word **“purposes”** the following:

“ . The provision of this subdivision shall not apply to sales tax on a harvested animal”; and

Further amend said bill, Page 9, Section 144.030, Line 17, by deleting the words **“[or], poultry, or captive wildlife”** and inserting in lieu thereof the words **“or poultry”**; and

Further amend said bill, Page 10, Section 144.030, Line 20, by deleting the words **“[or], poultry, or captive wildlife”** and inserting in lieu thereof the words **“or poultry”**; and

Further amend said bill, Page 19, Section 144.527, Line 19, by inserting after all of said section and line:

“252.040. 1. No wildlife shall be pursued, taken, killed, possessed or disposed of except in the manner, to the extent and at the time or times permitted by such rules and regulations; and any pursuit, taking, killing, possession or disposition thereof, except as permitted by such rules and regulations, are hereby prohibited. Any person violating this section shall be guilty of a misdemeanor except that any person violating any of the rules and regulations pertaining to record-keeping requirements imposed on licensed fur buyers and fur dealers shall be guilty of an infraction and shall be fined not less than ten dollars nor more than one hundred dollars.

2. After first notifying the department of conservation, wild elk may be destroyed by the land owner or lessor of land when such wild elk have caused any damage to agricultural property including, but not limited to, fences and crops.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 356, Page 20, Section 262.005, Line 12, by inserting after all of said section and line the following:

“262.815. 1. This section shall be known and may be cited as the “Missouri Farmland Trust Act”. The purpose of this section is to allow individuals and entities to donate, gift, or otherwise convey farmland to the state department of agriculture for the purpose of preserving the land as farmland and to further provide beginning farmers with an opportunity to farm by allowing long-term low and variable cost leases, thereby making it affordable for the next generation of farmers to continue to produce food, fiber, and fuel.

2. There is hereby created the “Missouri Farmland Trust” which shall be implemented in a manner to accomplish the following objectives:

- (1) Protect and preserve Missouri’s farmland;**
- (2) Link new generations of prospective farmers with present farmers; and**
- (3) Promote best practices in environmental, livestock, and land stewardship.**

3. (1) There is hereby created within the department of agriculture the “Missouri Farmland Trust Advisory Board” which shall be comprised of five members appointed by the director of the department of agriculture. Members shall serve without compensation but, subject to appropriations, may be reimbursed for actual and necessary expenses.

(2) The board shall make recommendations to the director on the appropriate uses of farmland in the trust, criteria to be used to select applicants for the program, and review and make recommendations regarding applications to lease farmland in the trust.

(3) Members shall serve five-year terms, with each term beginning July first and ending June thirtieth; except that, of the members initially appointed two shall be appointed for a term of three years, two shall be appointed for a term of four years, and one shall be appointed for a term of five years. Each member shall serve until his or her successor is appointed. Any vacancies occurring prior to the expiration of a term shall be filled by appointment for the remainder of such term. No member shall serve more than two consecutive terms.

4. The department of agriculture is authorized to accept or acquire by purchase, lease, donation, or agreement any agricultural lands, easements, real and personal property, or rights in lands, easements, or real and personal property, including but not limited to buildings, structures, improvements, equipment, or facilities subject to preservation and improvement. Such lands shall be properties of the Missouri farmland trust for purposes of this section and shall be governed by the provisions of this section and rules promulgated thereunder.

5. (1) There is hereby created in the state treasury the “Missouri Farmland Trust Fund”, which shall consist of all gifts, bequests, donations, transfers, and moneys appropriated by the general assembly under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. Upon appropriation, money in the fund shall be used for the administration of this section and may be used to make payments to counties for the value of land as payment in lieu of real and personal property taxes for privately owned land acquired after the effective date of this section in such amounts as determined by the department; except that, the amount determined shall not be less than the real property tax paid at the time of acquisition. The department of agriculture may require applicants who are awarded leases to pay the property taxes owed under this section for such property.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

6. The department of agriculture is authorized to accept all moneys, appropriations, gifts, bequests, donations, or other contributions of moneys or other real or personal property to be expended or used for any of the purposes of this section. The department may improve, maintain, operate, and regulate any such lands, easements, or real or personal property to promote agriculture and the general welfare using moneys in the fund. Property acquired by the department under this section shall be used for agricultural purposes. The director shall establish by rule guidelines for leasing farmland to the trust to beginning farmers for a period not to exceed twenty years. All property acquired by the department under this section shall be farmed and maintained using the best environmental, conservation, and stewardship practices as outlined by the department. The department may charge an administrative fee for lease application processing under this section.

7. The department, in consultation with the Missouri farmland advisory board, shall promulgate rules to implement the provisions of this section, including but not limited to requirements for lessees, selection process for granting leases, and the terms of the lease, including requirements for applicants,

renewal process, requirements for the maintenance of real and personal property by the lessee, and conditions for the termination of leases.

8. Any person or entity donating land to or leasing land from the department shall forever release the state of Missouri, the Missouri department of agriculture, the department's director, officers, employees, volunteers, agents, contractors, servants, heirs, successors, assigns, persons, firms, corporations, representatives, and other entities who are or who will be acting in concert or privity with or on behalf of the state from any and all actions, claims, or demands that he or she, family members, heirs, successors, assigns, agents, servants, employees, distributees, guardians, next-of-kin, spouse, and legal representatives now have or may have in the future for any injury, death, property damage related to:

(1) Participation in such activities;

(2) The negligence, intentional acts, or other acts, whether directly connected to such activities or not, and however caused; and

(3) The condition of the premises where such activities occur.

9. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

REPORTS OF STANDING COMMITTEES

Senator Purgason, Chairman of the Committee on Ways and Means and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Ways and Means and Fiscal Oversight, to which was referred **HCS** for **HB 431**, with **SCS**; **HCS** for **HJR 3**; **HB 151**; **HCS** for **HB 213**; **HCS** for **HB 473**; and **SS** for **SCS** for **HCS** for **HB 430**, as amended, begs leave to report that it has considered the same and recommends that the bills and joint resolution do pass.

HOUSE BILLS ON THIRD READING

Senator Stouffer moved that **SS** for **SCS** for **HCS** for **HB 430**, as amended, be called from the Informal Calendar and taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HCS** for **HB 430**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Lager	Lamping

Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senator Lembke—1

Absent—Senator Kraus—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HCS for **HB 431**, with **SCS**, entitled:

An Act to repeal sections 210.112, 210.498, 210.565, and 210.566, RSMo, and to enact in lieu thereof seven new sections relating to foster care and adoption promotion.

Was taken up by Senator Justus.

SCS for **HCS** for **HB 431**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 431

An Act to repeal sections 210.112, 210.498, 210.565, 210.566, and 660.023, RSMo, and to enact in lieu thereof eight new sections relating to vulnerable persons.

Was taken up.

Senator Justus moved that **SCS** for **HCS** for **HB 431** be adopted.

Senator Justus offered **SS** for **SCS** for **HCS** for **HB 431**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 431

An Act to repeal sections 210.112, 210.498, and 210.565, RSMo, and to enact in lieu thereof six new sections relating to foster care and adoption promotion.

Senator Justus moved that **SS** for **SCS** for **HCS** for **HB 431** be adopted, which motion prevailed.

On motion of Senator Justus, **SS** for **SCS** for **HCS** for **HB 431** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Justus, title to the bill was agreed to.

Senator Justus moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HB 151, introduced by Representatives Kelly (24) and Molendorp, entitled:

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to donations to the organ donor program fund.

Was taken up by Senator Schaefer.

On motion of Senator Schaefer, **HB 151** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HB 184, with **SCS**, introduced by Representative Dugger, entitled:

An Act to repeal section 233.280, RSMo, and to enact in lieu thereof one new section relating to the compensation of road district commissioners.

Was taken up by Senator Purgason.

SCS for **HB 184**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 184

An Act to repeal sections 233.280 and 537.620, RSMo, and to enact in lieu thereof two new sections relating to the expenditure of public funds by certain political subdivisions.

Was taken up.

Senator Purgason moved that **SCS** for **HB 184** be adopted.

Senator Purgason offered **SS** for **SCS** for **HB 184**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 184

An Act to repeal sections 233.280, 537.620, and 537.635, RSMo, and to enact in lieu thereof three new sections relating to political subdivisions.

Senator Purgason moved that **SS** for **SCS** for **HB 184** be adopted, which motion prevailed.

On motion of Senator Purgason, **SS** for **SCS** for **HB 184** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Purgason, title to the bill was agreed to.

Senator Purgason moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HCS for **HB 664**, with **SCS**, entitled:

An Act to repeal sections 87.005, 87.006, 87.120, 87.205, 87.207, 87.325, 87.330, 87.335, 87.340, and 87.345, RSMo, and to enact in lieu thereof eleven new sections relating to the firemen's retirement system of St. Louis.

Was taken up by Senator Schmitt.

SCS for **HCS** for **HB 664**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 664

An Act to repeal sections 87.005, 87.006, 87.120, 87.205, 87.207, 87.325, 87.330, 87.335, 87.340, and 87.345, RSMo, and to enact in lieu thereof eleven new sections relating to firemen's retirement.

Was taken up.

Senator Schmitt moved that **SCS** for **HCS** for **HB 664** be adopted.

Senator Schmitt offered **SS** for **SCS** for **HCS** for **HB 664**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 664

An Act to repeal sections 87.005, 87.006, 87.205, and 87.207, RSMo, and to enact in lieu thereof five new sections relating to firemen's retirement.

Senator Schmitt moved that **SS** for **SCS** for **HCS** for **HB 664** be adopted.

At the request of Senator Schmitt, **HCS** for **HB 664**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 360**, entitled:

An Act to repeal sections 135.950, 135.953, 135.963, 137.010, and 137.016, RSMo, and to enact in lieu thereof twelve new sections relating to rural community development, with an emergency clause for a certain section.

With House Amendment No. 1 to House Amendment No. 1, House Amendment No. 2 to House Amendment No. 1, House Amendment No. 1, as amended, House Amendment Nos. 2, 3, 4, 5, 6, 7, 9 and 10.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to House Committee Substitute for Senate Substitute for Senate Bill No. 360, Page 1, Line 19, by inserting immediately following the number “**305.333.**” on said line the following:

“No tax shall be imposed by an authority created under this subsection in any county where such tax was not approved by the voters.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2 TO
HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to House Committee Substitute for Senate Substitute for Senate Bill No. 360, Page 1, Lines 8-11, by deleting all of said lines; and

Further amend said amendment, page, Line 12, by deleting the number “**3**” and inserting the number “**2**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 360, Page 17, Section 226.224, Line 17, by inserting after all of said section and line the following:

“305.300. **1.** The governing body of any county may create an airport authority to build or acquire and operate one or more airports within the boundaries of the county or an adjoining county. The authority shall be created by resolution of the governing body not sooner than ten days after public notice is posted at the courthouse announcing the intention of forming such a body.

2. The governing body of any home rule city with more than one hundred fifty-one thousand five hundred but fewer than one hundred fifty-one thousand six hundred inhabitants may create an airport authority within the boundaries of the city in the same manner as provided in sections 305.300 to 305.333.

3. The governing body of any county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants, any county of the first classification with more than forty thousand seven hundred but fewer than forty thousand eight hundred inhabitants and any county of the first classification with more than seventy-one thousand three hundred but fewer than seventy-one thousand four hundred inhabitants or any two of the counties may create an airport authority within the boundaries of the counties in the same manner as provided in sections 305.300 to 305.333.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 360, Section A, Page 1, Line 4, by inserting the following after all of said Line:

“67.1860. Sections 67.1860 to [67.1898] **67.1894** shall be known as the “Missouri Law Enforcement

District Act”.

67.1862. As used in sections 67.1860 to [67.1898] **67.1894**, the following terms mean:

(1) “Approval of the required majority” or “direct voter approval”, a simple majority;

(2) “Board”, the board of directors of a district;

(3) “District”, a law enforcement district organized [pursuant to] **under** sections 67.1860 to [67.1898] **67.1894**;

(4) **“Registered voter”, any voter registered within the boundaries of the district or proposed district.**

67.1864. 1. A district may be created to fund, promote, plan, design, construct, improve, maintain and operate one or more projects relating to law enforcement or to assist in such activity.

2. A district is a political subdivision of the state.

3. A district may be created in any county of the first classification [without a charter form of government and a population of fifty thousand inhabitants or less].

67.1866. 1. Whenever the creation of a district is desired, ten percent of the registered voters within the proposed district may file a petition requesting the creation of a district. The petition shall be filed in the circuit court of the county in which the proposed district is located.

2. The proposed district area shall be contiguous and may contain any portion of one or more municipalities. **Two areas may be considered contiguous if both are adjacent to the shoreline of the same body of water.**

3. The petition shall set forth:

(1) The name and address of each owner of real property located within the proposed district [or who is a] **and each** registered voter [resident] within the proposed district;

(2) A specific description of the proposed district boundaries including a map illustrating such boundaries;

(3) A general description of the purpose or purposes for which the district is being formed; and

(4) The name of the proposed district.

4. The circuit clerk of the county in which the petition is filed [pursuant to] **under** this section shall present the petition to the judge, who shall thereupon set the petition for hearing not less than thirty days nor more than forty days after the filing. The judge shall cause notice of the time and place of the hearing to be given, by publication on three separate days in one or more newspapers having a general circulation within the county, with the third and final publication to occur not less than twenty days prior to the date set for the hearing. The notice shall recite the information required [pursuant to] **under** subsection 3 of this section. The costs of printing and publication of the notice shall be paid as required [pursuant to] **under** section 67.1870.

5. In the event any owner of real property within the proposed district who is named in the petition or any registered voter does not join in the petition or file an entry of appearance and waiver of service of process in the case, a copy of the petition shall be served upon such owner or registered voter in the manner provided by supreme court rule for the service of petitions generally. Any

objections to the petition shall be raised by answer within the time provided by supreme court rule for the filing of an answer to a petition.

67.1868. 1. Any owner of real property within the proposed district and any [legal] **registered** voter [who is a resident] within the proposed district may join in or file a petition supporting or answer opposing the creation of the district and seeking a judgment respecting these same issues.

2. The court shall hear the case without a jury. If the court determines the petition is defective or the proposed district or its plan of operation is unconstitutional, it shall enter its judgment to that effect and shall refuse to incorporate the district as requested in the pleadings. If the court determines the petition is not legally defective and the proposed district and plan of operation are not unconstitutional, the court shall [determine and declare] **order** the district organized and incorporated and shall approve the plan of operation stated in the petition.

3. Any party having filed a petition or answer to a petition may appeal the circuit court's order or judgment in the same manner as provided for other appeals. Any order either refusing to incorporate the district or incorporating the district shall be a final judgment for purposes of appeal.

67.1870. The costs of filing and defending the petition and all publication and incidental costs incurred in obtaining circuit court certification of the petition for voter approval shall be paid by the petitioners. If a district is organized [pursuant to] **under** sections 67.1860 to [67.1898] **67.1894**, the petitioners may be reimbursed for such costs out of the revenues received by the district.

67.1872. A district created [pursuant to] **under** sections 67.1860 to [67.1898] **67.1894** shall be governed by a board of directors consisting of five members to be elected as provided in section 67.1874.

67.1874. 1. Within thirty days after the order declaring the district organized has become final, the circuit clerk of the county in which the petition was filed shall give notice by causing publication to be made once a week for two consecutive weeks in a newspaper of general circulation in the county, the last publication of which shall be at least ten days before the day of the meeting required by this section, to call a meeting of the owners of real property and registered voters [resident] within the district at a day and hour specified in a public place in the county in which the petition was filed for the purpose of electing a board of five directors, two to serve one year, two to serve two years, and one to serve three years, to be composed of [residents] **registered voters** of the district.

2. The attendees, when assembled, shall organize by [the election of] **electing** a chairman and secretary of the meeting [who]. **The secretary** shall conduct the election.

3. **Upon completion of the terms of the initial directors under subsection 1 of this section**, each director shall serve for a term of three years and until such director's successor is duly elected and qualified. Successor directors shall be elected in the same manner as the initial directors at a meeting of the [residents] **registered voters** called by the board. [Each successor director shall serve a three-year term.] The remaining directors shall have the authority to elect an interim director to complete any unexpired term of a director caused by resignation or disqualification.

4. Directors shall be at least twenty-one years of age.

67.1878. A district may receive and use funds for the purposes of planning, designing, constructing, reconstructing, maintaining and operating one or more projects relating to law enforcement. Such funds may be derived from any funding method which is authorized by sections 67.1860 to [67.1898] **67.1894** and from any other source, including but not limited to funds from federal sources, the state of Missouri or an agency

of the state, a political subdivision of the state or private sources.

67.1880. 1. If approved by at least four-sevenths of the [qualified] **registered** voters voting on the question in the district, the district may impose a property tax in an amount not to exceed the annual rate of thirty cents on the hundred dollars assessed valuation. The district board may levy a property tax rate lower than its approved tax rate ceiling and may increase that lowered tax rate to a level not exceeding the tax rate ceiling **approved by the voters** without **new** voter approval. The property tax shall be uniform throughout the district.

2. The ballot of submission shall be substantially in the following form:

Shall the Law Enforcement District impose a property tax upon all real and tangible personal property within the district at a rate of not more than (insert amount) cents per hundred dollars assessed valuation for the purpose of providing revenue for the development of a project (or projects) in the district (insert general description of the project or projects, if necessary)?

☐ YES ☐ NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”.

If four-sevenths of the votes cast on the question by the registered voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales tax. If less than four-sevenths of the votes cast on the question by the registered voters voting thereon are in favor of the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the registered voters and such question is approved by the requisite four-sevenths of the registered voters voting on the question. In no event shall a proposal under this section be submitted to the voters sooner than twelve months from the date of the last proposal submitted under this section.

3. The county collector of each county in which the district is partially or entirely located shall collect the property taxes and special benefit assessments made upon all real property and tangible personal property within that county and the district, in the same manner as other property taxes are collected.

4. Every county collector having collected or received district property taxes shall, on or before the fifteenth day of each month and after deducting his or her commissions, remit to the treasurer of that district the amount collected or received by him or her prior to the first day of the month. Upon receipt of such money, the district treasurer shall execute a receipt therefor, which he or she shall forward or deliver to the collector. The district treasurer shall deposit such sums into the district treasury, credited to the appropriate project or purpose. The collector and district treasurer shall make final settlement of the district account and commissions owing, not less than once each year, if necessary.

67.1886. In addition to all other powers granted by sections 67.1860 to [67.1898] **67.1894** the district shall have the following general powers:

(1) To contract with the [local] **county** sheriff’s department for the provision of services;

(2) To sue and be sued in its own name, and to receive service of process, which shall be served upon the district secretary;

(3) To fix compensation of its employees and contractors;

(4) To purchase any personal property necessary or convenient for its activities;

(5) To collect and disburse funds for its activities; and

(6) To exercise such other implied powers necessary or convenient for the district to accomplish its purposes which are not inconsistent with its express powers.

67.1888. 1. The district may obtain such insurance as it deems appropriate, considering its legal limits of liability, to protect itself, its officers and its employees from any potential liability and may also obtain such other types of insurance as it deems necessary to protect against loss of its real or personal property of any kind. The cost of this insurance shall be charged against the project.

2. The district may also require contractors performing construction or maintenance work on the project and companies providing operational and management services to obtain liability insurance having the district, its directors and employees as additional named insureds.

3. The district may self-insure if it is unable to obtain liability insurance coverage at a rate which is economically feasible to the district, considering its resources. However, the district shall not attempt to self-insure for its potential liabilities unless it finds that it has sufficient funds available to cover any anticipated judgments or settlements and still complete its project without interruption. [The district may self-insure if it is unable to obtain liability insurance coverage at a rate which is economically feasible to the district, considering its resources.]

67.1894. [1. The authority of the district to levy any property tax levied pursuant to section 67.1880 may be terminated by a petition of the voters in the district in the manner prescribed in this section.

2. The petition for termination of authority to tax may be changed as follows:

(1) Twenty-five percent of the number of voters who voted in the most recent gubernatorial election in the district may file with the board a petition in writing praying that the district's authority to impose a property tax be terminated. The petition shall specifically state that the district's authority to impose any property tax, whether or not such a tax is being imposed at the time such petition is filed, shall be terminated. Such petition shall be in substantially the form set forth for petitions in chapter 116; or

(2) All of the owners of real estate in the district may file a petition with the board praying that the district's authority to impose a property tax be terminated. The petition shall specifically state that the district's authority to impose any property tax, whether or not such a tax is being imposed at the time such petition is filed, shall be terminated. Such petition shall be in substantially the form set forth for petitions in chapter 116. The petition shall describe the property owned by the petitioners and shall be deemed to give assent of the petitioners to the petition.

3. The secretary of the board shall cause notice of the filing of any petition filed pursuant to this section to be given and published in the county in which the property is located, which notice shall recite the filing of such petition, the number of petitioners and the prayer of the petitioners; giving notice to all persons interested to appear at the office of the board at the time named in the notice and show cause in writing, if any they have, why the petition should not be granted. The board shall at the time and place mentioned, or at such time or times to which the hearing may be adjourned, proceed to hear the petition and all objections thereto presented in writing by any person showing cause why the petition should not be granted.

4. If the board deems it for the best interest of the district, it shall grant the petition. If the petition is

granted, the board shall make an order to that effect and file the petition with the circuit clerk. If the petition contains the signatures of all the owners of the property pursuant to the provisions of subdivision (2) of subsection 2 of this section, the authority to tax shall be terminated upon the order of the court. If the petition contains the signatures of twenty-five percent of the number of voters who voted in the most recent gubernatorial election in the district pursuant to subdivision (1) of subsection 2 of this section, the authority to tax shall be terminated subject to the election provided in section 67.1896. The circuit court having jurisdiction over the district shall proceed to make any such order terminating such taxation authority as is provided in the order of the board, unless the court shall find that such order of the board was not authorized by law or that such order of the board was not supported by competent and substantial evidence.

5. Any person aggrieved by any decision of the board made pursuant to the provisions of this section may appeal that decision to the circuit court of the county in which the property is located within thirty days of the decision by the board] **Whenever the district board receives a petition, signed by a number of registered voters of the district equal to at least ten percent of the number of registered voters of the district, calling for an election to repeal the tax imposed under section 67.1880, the board shall submit to the voters of the district a proposal to repeal the tax. If a majority of the votes cast on the question by the registered voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax authorized in section 67.1880 shall remain effective until the question is resubmitted under this section to the registered voters and the repeal is approved by a majority of the registered voters voting on the question.**

[67.1890. 1. The boundaries of any district organized pursuant to sections 67.1860 to 67.1898 may be changed in the manner prescribed in this section; but any change of boundaries of the district shall not impair or affect its organization or its rights in or to property, or any of its rights or privileges whatsoever; nor shall it affect or impair or discharge any contract, obligation, lien or charge for or upon which it might be liable or chargeable had any change of boundaries not been made.

2. The boundaries may be changed as follows:

(1) Twenty-five percent of the number of voters who voted in the most recent gubernatorial election in the area to be annexed or deannexed may file with the board a petition in writing praying that such real property be included within, or removed from, the district. The petition shall describe the property to be included in, or removed from, the district and shall describe the property owned by the petitioners and shall be deemed to give assent of the petitioners to the inclusion in, or removal from, the district of the property described in the petition. Such petition shall be in substantially the form set forth for petitions in chapter 116; provided that, in the event that there are more than twenty-five property owners or taxpaying electors signing the petition, it shall be deemed sufficient description of their property in the petition as required in this section to list the addresses of such property; or

(2) All of the owners of any territory or tract of land near or adjacent to a district in the case of annexation, or all of the owners of any territory or tract of land within a district in the case of deannexation, who own all of the real estate in such territory or tract of land may file a petition with the board praying that such real property be included in, or removed from, the district. The petition

shall describe the property owned by the petitioners and shall be deemed to give assent of the petitioners to the inclusion in, or removal from, the district of the property described in the petition.

3. The secretary of the board shall cause notice of the filing of any petition filed pursuant to this section to be given and published in the county in which the property is located, which notice shall recite the filing of such petition, the number of petitioners, a general description of the boundaries of the area proposed to be included or removed and the prayer of the petitioners; giving notice to all persons interested to appear at the office of the board at the time named in the notice and show cause in writing, if any they have, why the petition should not be granted. The board shall at the time and place mentioned, or at such time or times to which the hearing may be adjourned, proceed to hear the petition and all objections thereto presented in writing by any person showing cause why the petition should not be granted. The failure of any person interested to show cause in writing why such petition shall not be granted shall be deemed as an assent on his or her part to the inclusion of such lands in, or removal of such lands from, the district as prayed for in the petition.

4. If the board deems it for the best interest of the district, it shall grant the petition, but if the board determines in the case of annexation that some portion of the property mentioned in the petition cannot as a practical matter be served by the district, or if it deems in the case of annexation that it is in the best interest of the district that some portion of the property in the petition not be included in the district, or if in the case of deannexation it deems that it is impracticable for any portion of the property to be deannexed from the district, then the board shall grant the petition in part only. If the petition is granted, the board shall make an order to that effect and file the petition with the circuit clerk. Upon the order of the court having jurisdiction over the district, the property shall be included in, or removed from, the district. If the petition contains the signatures of all the owners of the property pursuant to the provisions of subdivision (2) of subsection 2 of this section, the property shall be included in, or removed from, the district upon the order of the court. If the petition contains the signatures of twenty-five percent of the number of voters who voted in the most recent gubernatorial election in the area to be annexed or deannexed pursuant to subdivision (1) of subsection 2 of this section, the property shall be included in, or removed from, the district subject to the election provided in section 67.1892. The circuit court having jurisdiction over the district shall proceed to make any such order including such additional property within the district, or removing such property from the district, as is provided in the order of the board, unless the court shall find that such order of the board was not authorized by law or that such order of the board was not supported by competent and substantial evidence.

5. Any person aggrieved by any decision of the board made pursuant to the provisions of this section may appeal that decision to the circuit court of the county in which the property is located within thirty days of the decision by the board.]

[67.1892. 1. If the petition to add or remove any territory or tract of land to the district contained fewer than all of the signatures required pursuant to subdivision (2) of subsection 2 of section 67.1890, the decree of extension or retraction of boundaries shall not become final and conclusive until it has been submitted to an election of the voters residing within the boundaries described in such decree and until it has been assented to by a majority vote of the voters in the newly included area, or the area to be removed, voting on the question. The decree shall also provide for the holding of the election to vote on the proposition of extending or retracting the boundaries of the district, and shall fix the date for holding the election.

2. The question shall be submitted in substantially the following form:

Shall the boundaries of the Law Enforcement District be (extended to include/retracted to remove) the following described property? (Describe property)

☐ YES ☐ NO

3. If a majority of the voters voting on the proposition vote in favor of the extension or retraction of the boundaries of the district, then the court shall enter its further order declaring the decree of extension or retraction of the boundaries to be final and conclusive. In the event, however, that the court finds that a majority of the voters voting thereon voted against the proposition to extend or retract the boundaries of the district, then the court shall enter its further order declaring the decree of extension or retraction of boundaries to be void and of no effect.]

[67.1896. 1. If the petition filed pursuant to section 67.1894 contained fewer than all of the signatures required pursuant to subdivision (2) of subsection 2 of section 67.1894, the termination of taxation authority shall not become final and conclusive until it has been submitted to an election of the voters residing within the district and until it has been assented to by at least four-sevenths of the voters in the district voting on the question. The decree shall also provide for the holding of the election to vote on the proposition, and shall fix the date for holding the election.

2. The question shall be submitted in substantially the following form:

Shall the authority of the Law Enforcement District to adopt property taxes be terminated?

☐ YES ☐ NO

3. If four-sevenths of the voters voting on the proposition vote in favor of such termination, then the court shall enter its further order declaring the termination of such authority, and all such taxes that are being assessed in the current calendar year pursuant to such authority, to be final and conclusive. In the event, however, that the court finds that less than four-sevenths of the voters voting thereon voted against the proposition to terminate such authority, then the court shall enter its further order declaring the decree of termination of such district's taxing authority to be void and of no effect.]

[67.1898. 1. Whenever a petition signed by not less than ten percent of the registered voters in any district organized pursuant to sections 67.1860 to 67.1898 is filed with the circuit court having jurisdiction over the district, setting forth all the relevant facts pertaining to the district, and alleging that the further operation of the district is not in the best interests of the inhabitants of the district, and that the district should, in the interest of the public welfare and safety, be dissolved, the circuit court shall have authority, after hearing evidence submitted on such question, to order a submission of the question, after having caused publication of notice of a hearing on such petition in the same manner as the notice required in section 67.1874, in substantially the following form:

Shall (Insert the name of the law enforcement district) Law Enforcement District be dissolved?

☐ YES ☐ NO

2. If the court shall find that it is to the best interest of the inhabitants of the district that such district be dissolved, it shall make an order reciting such finding and providing for the submission of the proposition to dissolve such district to a vote of the voters of the district, setting forth such further

details in its order as may be necessary to an orderly conduct of such election. Such election shall be held at the municipal election. Returns of the election shall be certified to the court.

If the court finds that a majority of the voters voting thereon shall have voted in favor of the proposition to dissolve the district, the court shall make a final order dissolving the district, and the decree shall contain a proviso that the district shall continue in full force for the purpose of paying all outstanding and lawful obligations and disposing of property of the district; but no additional costs or obligations shall be created except such as are necessary to pay such costs, obligations and liabilities previously incurred, or necessary to the winding up of the district. If the court shall find that a majority of the voters of the district voting thereon shall not have voted favorably on the proposition to dissolve such district, then the court shall make a final order declaring such result dismissing the petition praying for the dissolution of said district; and the district shall continue to operate in the same manner as though the petition asking for such dissolution has not been filed.

3. The dissolution of a district shall not invalidate or affect any right accruing to such district, or to any person, or invalidate or affect any contract or indebtedness entered into or imposed upon such district or person; and whenever the circuit court shall, pursuant to this section, dissolve a district, the court shall appoint some competent person to act as trustee for the district so dissolved and such trustee before entering upon the discharge of his or her duties shall take and subscribe an oath that he or she will faithfully discharge the duties of the office, and shall give bond with sufficient security, to be approved by the court to the use of such dissolved district, for the faithful discharge of his or her duties, and shall proceed to liquidate the district under orders of the court, including the levying of any taxes provided for in sections 67.1860 to 67.1898.]"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 360, Page 1, Section A, Line 4, by inserting the following after all of said Line:

"67.1461. 1. Each district shall have all the powers, except to the extent any such power has been limited by the petition approved by the governing body of the municipality to establish the district, necessary to carry out and effectuate the purposes and provisions of sections 67.1401 to 67.1571 including, but not limited to, the following:

(1) To adopt, amend, and repeal bylaws, not inconsistent with sections 67.1401 to 67.1571, necessary or convenient to carry out the provisions of sections 67.1401 to 67.1571;

(2) To sue and be sued;

(3) To make and enter into contracts and other instruments, with public and private entities, necessary or convenient to exercise its powers and carry out its duties pursuant to sections 67.1401 to 67.1571;

(4) To accept grants, guarantees and donations of property, labor, services, or other things of value from any public or private source;

(5) To employ or contract for such managerial, engineering, legal, technical, clerical, accounting, or other assistance as it deems advisable;

(6) To acquire by purchase, lease, gift, grant, bequest, devise, or otherwise, any real property within its

boundaries, personal property, or any interest in such property;

(7) To sell, lease, exchange, transfer, assign, mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real or personal property or any interest in such property;

(8) To levy and collect special assessments and taxes as provided in sections 67.1401 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from taxation pursuant to subdivision (5) of section 137.100. Those exempt pursuant to subdivision (5) of section 137.100 may voluntarily participate in the provisions of sections 67.1401 to 67.1571;

(9) If the district is a political subdivision, to levy real property taxes and business license taxes in the county seat of a county of the first classification containing a population of at least two hundred thousand, as provided in sections 67.1401 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from taxation pursuant to subdivisions (2) and (5) of section 137.100. Those exempt pursuant to subdivisions (2) and (5) of section 137.100 may voluntarily participate in the provisions of sections 67.1401 to 67.1571;

(10) If the district is a political subdivision, to levy sales taxes pursuant to sections 67.1401 to 67.1571;

(11) To fix, charge, and collect fees, rents, and other charges for use of any of the following:

(a) The district's real property, except for public rights-of-way for utilities;

(b) The district's personal property, except in a city not within a county; or

(c) Any of the district's interests in such real or personal property, except for public rights-of-way for utilities;

(12) To borrow money from any public or private source and issue obligations and provide security for the repayment of the same as provided in sections 67.1401 to 67.1571;

(13) To loan money as provided in sections 67.1401 to 67.1571;

(14) To make expenditures, create reserve funds, and use its revenues as necessary to carry out its powers or duties and the provisions and purposes of sections 67.1401 to 67.1571;

(15) To enter into one or more agreements with the municipality for the purpose of abating any public nuisance within the boundaries of the district including, but not limited to, the stabilization, repair or maintenance or demolition and removal of buildings or structures, provided that the municipality has declared the existence of a public nuisance;

(16) Within its boundaries, to provide assistance to or to construct, reconstruct, install, repair, maintain, and equip any of the following public improvements:

(a) Pedestrian or shopping malls and plazas;

(b) Parks, lawns, trees, and any other landscape;

(c) Convention centers, arenas, aquariums, aviaries, and meeting facilities;

(d) Sidewalks, streets, alleys, bridges, ramps, tunnels, overpasses and underpasses, traffic signs and signals, utilities, drainage, water, storm and sewer systems, and other site improvements;

(e) Parking lots, garages, or other facilities;

(f) Lakes, dams, and waterways;

(g) Streetscape, lighting, benches or other seating furniture, trash receptacles, marquees, awnings, canopies, walls, and barriers;

(h) Telephone and information booths, bus stop and other shelters, rest rooms, and kiosks;

(i) Paintings, murals, display cases, sculptures, and fountains;

(j) Music, news, and child-care facilities; [and]

(k) Any property, device, structure, or equipment necessary for the acquisition, installation, equipping, and improvement of any real or personal property used for the purpose of creating a solar photovoltaic project or a solar thermal energy project, whether such real or personal property is publicly or privately owned; and

(l) Any other useful, necessary, or desired improvement;

(17) To dedicate to the municipality, with the municipality's consent, streets, sidewalks, parks, and other real property and improvements located within its boundaries for public use;

(18) Within its boundaries and with the municipality's consent, to prohibit or restrict vehicular and pedestrian traffic and vendors on streets, alleys, malls, bridges, ramps, sidewalks, and tunnels and to provide the means for access by emergency vehicles to or in such areas;

(19) Within its boundaries, to operate or to contract for the provision of music, news, child-care, or parking facilities, and buses, minibuses, or other modes of transportation;

(20) Within its boundaries, to lease space for sidewalk café tables and chairs;

(21) Within its boundaries, to provide or contract for the provision of security personnel, equipment, or facilities for the protection of property and persons;

(22) Within its boundaries, to provide or contract for cleaning, maintenance, and other services to public and private property, **including, but not limited to, real or personal property installed as part of a special energy improvement project;**

(23) To produce and promote any tourism, recreational or cultural activity or special event in the district by, but not limited to, advertising, decoration of any public place in the district, promotion of such activity and special events, and furnishing music in any public place;

(24) To support business activity and economic development in the district including, but not limited to, the promotion of business activity, development and retention, and the recruitment of developers and businesses;

(25) To provide or support training programs for employees of businesses within the district;

(26) To provide refuse collection and disposal services within the district;

(27) To contract for or conduct economic, planning, marketing or other studies;

(28) To repair, restore, or maintain any abandoned cemetery on public or private land within the district; and

(29) To carry out any other powers set forth in sections 67.1401 to 67.1571.

2. Each district which is located in a blighted area or which includes a blighted area shall have the following additional powers:

(1) Within its blighted area, to contract with any private property owner to demolish [and], remove, renovate, reconstruct, **construct**, or rehabilitate any building [or], structure, **or improvement** owned by such private property owner; and

(2) To expend its revenues or loan its revenues pursuant to a contract entered into pursuant to this subsection, provided that the governing body of the municipality has determined that the action to be taken pursuant to such contract is reasonably anticipated to remediate the blighting conditions and will serve a public purpose.

3. Each district shall annually reimburse the municipality for the reasonable and actual expenses incurred by the municipality to establish such district and review annual budgets and reports of such district required to be submitted to the municipality; provided that, such annual reimbursement shall not exceed one and one-half percent of the revenues collected by the district in such year.

4. Nothing in sections 67.1401 to 67.1571 shall be construed to delegate to any district any sovereign right of municipalities to promote order, safety, health, morals, and general welfare of the public, except those such police powers, if any, expressly delegated pursuant to sections 67.1401 to 67.1571.

5. The governing body of the municipality establishing the district shall not decrease the level of publicly funded services in the district existing prior to the creation of the district or transfer the financial burden of providing the services to the district unless the services at the same time are decreased throughout the municipality, nor shall the governing body discriminate in the provision of the publicly funded services between areas included in such district and areas not so included.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 360, Page 16, Section 137.016, Line 82, by inserting the following after all of said Line:

“137.1018. 1. The commission shall ascertain the statewide average rate of property taxes levied the preceding year, based upon the total assessed valuation of the railroad and street railway companies and the total property taxes levied upon the railroad and street railway companies. It shall determine total property taxes levied from reports prescribed by the commission from the railroad and street railway companies. Total taxes levied shall not include revenues from the surtax on subclass three real property.

2. The commission shall report its determination of average property tax rate for the preceding year, together with the taxable distributable assessed valuation of each freight line company for the current year to the director no later than October first of each year.

3. Taxes on property of such freight line companies shall be collected at the state level by the director on behalf of the counties and other local public taxing entities and shall be distributed in accordance with sections 137.1021 and 137.1024. The director shall tax such property based upon the distributable assessed valuation attributable to Missouri of each freight line company, using the average tax rate for the preceding year of the railroad and street railway companies certified by the commission. Such tax shall be due and payable on or before December thirty-first of the year levied and, if it becomes delinquent, shall be subject to a penalty equal to that specified in section 140.100.

4. (1) As used in this subsection, the following terms mean:

(a) “Eligible expenses”, expenses incurred in this state to manufacture, maintain, or improve a freight

line company's qualified rolling stock;

(b) "Qualified rolling stock", any freight, stock, refrigerator, or other railcars subject to the tax levied under this section.

(2) For all taxable years beginning on or after January 1, 2009, a freight line company shall, subject to appropriation, be allowed a credit against the tax levied under this section for the applicable tax year. The tax credit amount shall be equal to the amount of eligible expenses incurred during the calendar year immediately preceding the tax year for which the credit under this section is claimed. The amount of the tax credit issued shall not exceed the freight line company's liability for the tax levied under this section for the tax year for which the credit is claimed.

(3) A freight line company may apply for the credit by submitting to the commission an application in the form prescribed by the state tax commission.

(4) Subject to appropriation, the state shall reimburse, on an annual basis, any political subdivision of this state for any decrease in revenue due to the provisions of this subsection.

5. Pursuant to section 23.253 of the Missouri sunset act:

(1) [The provisions of the new program authorized under this section shall automatically sunset six years after August 28, 2008, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized,] The program authorized under this section shall [automatically sunset twelve years after the effective date of the reauthorization of this section] **expire on August 28, 2020;** and

[(3)] (2) This section shall terminate on September [first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset] **1, 2021.**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 360, Page 16 -17, Section 226.224, Lines 1-17, by deleting all of said section and lines, and inserting in lieu thereof the following:

"226.224. Notwithstanding any provision of the law to the contrary, the state highways and transportation commission may enter into binding highway infrastructure improvement agreements to reimburse or repay, in an amount and in such terms agreed upon by the parties, any funds advanced by or for the benefit of a county, political subdivision, or private entity to expedite state road construction or improvement. Such highway infrastructure improvement agreements may provide for the assignment of the state highways and transportation commission's reimbursement or repayment obligations in order to facilitate the funding of such improvements. The funds advanced by or for the benefit of the county, political subdivision, or private entity for the construction or improvement of state highway infrastructure shall be repaid by the state highways and transportation commission from funds from the state road fund in a manner, time period, and interest rate agreed to upon by the respective parties. The state highways and transportation commission may condition the reimbursement or repayment of such advanced funds upon projected highway revenues only if terms of the contract explicitly state such a condition. The contract shall further provide for a date or dates certain for repayment of funds and the commission may delay repayment of the advanced

funds if highway revenues fall below the projections used to determine the repayment schedule, or if repayment would jeopardize the receipt of federal highway moneys, only if terms of the contract state such a condition and the contract provides for a date or dates certain for repayment of funds.”;
and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 360, Page 16, Section 137.016, Line 82, by inserting after all of said line the following:

“144.054. 1. As used in this section, the following terms mean:

(1) **“Essential” refers to an activity necessary and indispensable to the process of manufacturing, without which the actual process of manufacturing could not take place;**

(2) **“Manufacturing, processing, compounding, mining, or producing”, includes testing, installing, calibrating, maintaining, repairing, restoring, and all other activities of the manufacturer, processor, compounder, miner, or producer essential to manufacturing, processing, compounding, mining, or producing;**

(3) **“Processing”, any mode of treatment, act, or series of acts performed upon materials to transform or reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;**

[(2)] (4) **“Recovered materials”, those materials which have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not they require subsequent separation and processing.**

2. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, electrical energy and gas, whether natural, artificial, or propane, water, coal, and energy sources, chemicals, machinery, equipment, and materials used or consumed in the manufacturing, processing, compounding, mining, or producing of any product, or used or consumed in the processing of recovered materials, or used in research and development related to manufacturing, processing, compounding, mining, or producing any product. **The exemptions granted in this subsection include chemicals, machinery, equipment, and other materials essential to the processes of repairing and maintaining manufacturing equipment. Activities deemed nonessential and thus not exempt under this section shall include, but are not limited to, transportation, delivery, human resources activities, accounting, and other activities that are not part of the manufacturing process.** The exemptions granted in this subsection shall not apply to local sales taxes as defined in section 32.085 and the provisions of this subsection shall be in addition to any state and local sales tax exemption provided in section 144.030.

3. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, all utilities, machinery, and equipment used or consumed directly in

television or radio broadcasting and all sales and purchases of tangible personal property, utilities, services, or any other transaction that would otherwise be subject to the state or local sales or use tax when such sales are made to or purchases are made by a contractor for use in fulfillment of any obligation under a defense contract with the United States government, and all sales and leases of tangible personal property by any county, city, incorporated town, or village, provided such sale or lease is authorized under chapter 100, and such transaction is certified for sales tax exemption by the department of economic development, and tangible personal property used for railroad infrastructure brought into this state for processing, fabrication, or other modification for use outside the state in the regular course of business.

4. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, all sales and purchases of tangible personal property, utilities, services, or any other transaction that would otherwise be subject to the state or local sales or use tax when such sales are made to or purchases are made by a private partner for use in completing a project under sections 227.600 to 227.669.” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 360, Section A, Page 1, Line 4, by inserting the following after all of said line:

“67.1521. 1. A district may levy by resolution one or more special assessments against real property within its boundaries, upon receipt of and in accordance with a petition signed by:

(1) Owners of real property collectively owning more than fifty percent by assessed value of real property within the boundaries of the district; and

(2) More than fifty percent per capita of the owners of all real property within the boundaries of the district.

2. The special assessment petition shall be in substantially the following form:

The (insert name of district) Community Improvement District (“District”) shall be authorized to levy special assessments against real property benefited within the District for the purpose of providing revenue for (insert general description of specific service and/or projects) in the district, such special assessments to be levied against each tract, lot or parcel of real property listed below within the district which receives special benefit as a result of such service and/or projects, the cost of which shall be allocated among this property by (insert method of allocation, e.g., per square foot of property, per square foot on each square foot of improvement, or by abutting foot of property abutting streets, roads, highways, parks or other improvements, or any other reasonable method) in an amount not to exceed dollars per (insert unit of measure). Such authorization to levy the special assessment shall expire on (insert date). The tracts of land located in the district which will receive special benefit from this service and/or projects are: (list of properties by common addresses and legal descriptions).

3. The method for allocating such special assessments set forth in the petition may be any reasonable

method which results in imposing assessments upon real property benefited in relation to the benefit conferred upon each respective tract, lot or parcel of real property and the cost to provide such benefit.

4. By resolution of the board, the district may levy a special assessment rate lower than the rate ceiling set forth in the petition authorizing the special assessment and may increase such lowered special assessment rate to a level not exceeding the special assessment rate ceiling set forth in the petition without further approval of the real property owners; provided that a district imposing a special assessment pursuant to this section may not repeal or amend such special assessment or lower the rate of such special assessment if such repeal, amendment or lower rate will impair the district's ability to pay any liabilities that it has incurred, money that it has borrowed or obligations that it has issued.

5. Each special assessment which is due and owing shall constitute a perpetual lien against each tract, lot or parcel of property from which it is derived. Such lien may be foreclosed in the same manner as any other special assessment lien as provided in section 88.861 **or, at the option of the county collector, and upon certification by the district for collection, each special assessment may be added to the annual real estate tax bill for the property and collected by the county collector in the same manner and procedure for collecting real estate taxes. Each special assessment remaining unpaid on the first day of January annually is delinquent and enforcement of collection of the delinquent bill by the county collector shall be governed by the laws concerning delinquent and back taxes. The lien may be foreclosed in the same manner as a tax upon real property by land tax sale pursuant to Chapter 140 or, if applicable to that county, Chapter 141.**

6. A separate fund or account shall be created by the district for each special assessment levied and each fund or account shall be identifiable by a suitable title. The proceeds of such assessments shall be credited to such fund or account. Such fund or account shall be used solely to pay the costs incurred in undertaking the specified service or project.

7. Upon completion of the specified service or project or both, the balance remaining in the fund or account established for such specified service or project or both shall be returned or credited against the amount of the original assessment of each parcel of property pro rata based on the method of assessment of such special assessment.

8. Any funds in a fund or account created pursuant to this section which are not needed for current expenditures may be invested by the board in accordance with applicable laws relating to the investment of funds of the city in which the district is located.

9. The authority of the district to levy special assessments shall be independent of the limitations and authorities of the municipality in which it is located; specifically, the provisions of section 88.812 shall not apply to any district.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 360, Section 67.4520, Page 5, Line 51, by inserting the following after all of said line:

“94.585. 1. The governing body of any city of the third classification with more than ten thousand eight hundred but fewer than ten thousand nine hundred inhabitants and located in more than one county may impose, by order or ordinance, a sales tax on all retail sales made within the city which

are subject to sales tax under chapter 144. The tax authorized in this section shall not exceed one percent, and shall be imposed solely for the purpose of funding the construction, maintenance, operation, and equipping of a community center and retiring any bonds issued for such purposes. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. No such order or ordinance adopted under this section shall become effective unless the governing body of the city submits to the voters residing within the city at a state general, primary, or special election a proposal to authorize the governing body of the city to impose a tax and issue bonds under this section. Such a proposal may include only the proposal to impose a sales tax or a proposal to issue bonds and to impose a sales tax to retire such bonds.

3. The ballot of submission shall contain, but need not be limited to the following language:

(1) If the proposal submitted involves only authorization to impose the tax authorized by this section, the following language:

Shall the municipality of (municipality's name) impose a sales tax of (insert amount) for a period of twenty-five years for the purpose of funding the construction, maintenance, operation, and equipping of a community center which may include the retirement of debt under previously authorized bonded indebtedness?

(2) If the proposal submitted involves authorization to issue bonds and repay such bonds with revenues from the tax authorized by this section, the following language:

Shall the municipality of (municipality's name) issue bonds in the amount of (insert amount) for a period of twenty-five years to fund construction, maintenance, operation, and equipping of a community center and impose a sales tax of (insert amount) to repay bonds?

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales tax, except that any proposal submitted to issue bonds shall be approved by the constitutionally required percentage of the voters voting thereon to become effective. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by the requisite majority of the qualified voters voting on the question. In no event shall a proposal under this section be submitted to the voters sooner than twelve months from the date of the last proposal under this section.

4. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under this section.

5. All revenue collected under this section by the director of the department of revenue on behalf of any city, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which is hereby created and shall be known as the "City Community Center Sales Tax Trust Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the fund and credited to the city for

erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such city. Any funds in the special fund which are not needed for meeting current obligations under any bond issued under this section or for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

6. The governing body of any city that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. Except as provided in subsection 9 of this section, if a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

7. Whenever the governing body of any city that has adopted the sales tax authorized in this section receives a petition, signed by a number of registered voters of the city equal to at least ten percent of the number of registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. Except as provided in subsection 9 of this section, if a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

8. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the city shall notify the director of the department of revenue of the action at least ninety days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director shall remit the balance in the account to the city and close the account of that city. The director shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

9. No sales tax imposed under this section shall be terminated until all of any bonds issued under this section have been retired.

10. The sales tax imposed under this section shall be imposed for a period of twenty-five years, and may be extended upon the approval of the voters of the city in the same manner in which the sales tax was adopted.

11. The city shall establish a board consisting of seven members, one of which shall be the mayor of the city, to administer the provisions of this section with such powers and duties which shall be delegated by the governing body of the city.

12. No bonds issued under this section shall be refinanced for a term longer than the number of years remaining on the original terms of the bonds being refinanced without the approval of the voters of the city. Any proposal to refinance such bonds submitted to the voters shall include the number of years the bonds will be refinanced and the number of years the sales tax will be extended to repay such refinanced bonds.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 360, Page 1, Section A, Line 4, by inserting after all of said section and line the following:

“67.1018. 1. The governing body of any county of the third classification without a township form of government and with more than five thousand nine hundred but fewer than six thousand inhabitants may impose a tax on the charges for all sleeping rooms, **RV sites, and campsites** paid by the transient guests of hotels [or], motels, **lodges, bed and breakfasts, cabins, RV parks, and campgrounds** situated in the county or a portion thereof, which shall not be **less than two percent nor** more than five percent per occupied room, **RV site, and campsite** per night, except that such tax shall not become effective unless the governing body of the county submits to the voters of the county at a state general or primary election a proposal to authorize the governing body of the county to impose a tax under this section. The tax authorized in this section shall be in addition to the charge for the sleeping room, **RV site, or campsite** and all other taxes imposed by law, and [fifty percent of] the proceeds of such tax shall be used [by the county to fund law enforcement with the remaining fifty percent of such proceeds to be used] to fund the promotion, **operation, and development** of tourism. Such tax shall be stated separately from all other charges and taxes.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the county) impose a tax on the charges for all sleeping rooms, **RV sites, and campsites** paid by the transient guests of hotels [and], motels, **lodges, bed and breakfasts, cabins, RV parks, and campgrounds** situated in (name of county) at a rate of (insert rate of percent) percent for the [benefit of the county] **promotion, operation, and development of tourism?**

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax authorized by this section shall not become effective unless and until the question is resubmitted under this section to the qualified voters of the county and such question is approved by a majority of the qualified voters of the county voting on the question.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HCS** for **HBs 116** and **316**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon and the conferees be allowed to exceed the differences.

PRIVILEGED MOTIONS

Senator Purgason moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HCS** for **HBs 116** and **316**, as amended, and grant the House a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Schmitt moved that **HCS** for **HB 664**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HCS** for **HB 664** was again taken up.

Senator Schmitt moved that **SS** for **SCS** for **HCS** for **HB 664** be adopted, which motion prevailed.

On motion of Senator Schmitt, **SS** for **SCS** for **HCS** for **HB 664** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schmitt, title to the bill was agreed to.

Senator Schmitt moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HB 675, introduced by Representatives Largent and Hoskins, entitled:

An Act to repeal section 58.095, RSMo, and to enact in lieu thereof one new section relating to county coroner training.

Was taken up by Senator Parson.

On motion of Senator Parson, **HB 675** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Parson, title to the bill was agreed to.

Senator Parson moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

At the request of Senator Brown, **HCS** for **HJR 3** was placed on the Informal Calendar.

HB 458, introduced by Representative Loehner, et al, entitled:

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to the Missouri farmland trust.

Was taken up by Senator Brown.

Senator Brown offered **SS** for **HB 458**, entitled:

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 458

An Act to repeal sections 263.190, 263.200, 263.205, 263.220, 263.230, 263.232, 263.240, 263.241, 263.450, 268.121, 276.401, 276.416, 276.421, 276.436, 276.441, 276.446, and 411.280, RSMo, and to enact in lieu thereof twelve new sections relating to agriculture, with penalty provisions.

Senator Brown moved that **SS** for **HB 458** be adopted.

Senator Schaefer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 458, Page 24, Section 411.280, Line 6 of said page, by inserting after all of said line the following:

“442.014. 1. This act shall be known and may be cited as the “Private Landowner Protection Act”.

2. As used in this section, unless the context otherwise requires, the following terms mean:

(1) “Conservation easement”, a nonpossessory interest of a holder in real property imposing limitations or affirmative obligations the purposes of which include retaining or protecting natural, scenic, or open-space values of real property, assuring its availability for agricultural, forest, recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property;

(2) “Holder”, any of the following:

(a) A governmental body empowered to hold an interest in real property under the laws of this state or the United States;

(b) A charitable corporation, charitable association, or charitable trust, the purposes, powers, or intent of which include retaining or protecting the natural, scenic, or open-space values of real property, assuring the availability of real property for agricultural, forest, recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property; or

(c) An individual or other private entity;

(3) “Third-party right of enforcement”, a right expressly provided in a conservation easement to enforce any of its items granted to a designated governmental body, charitable corporation, charitable association, charitable trust, individual, or any other private entity which, although eligible to be a holder, is not a holder.

3. (1) Except as otherwise provided in this section, a conservation easement may be created, conveyed, recorded, assigned, released, modified, terminated, or otherwise altered or affected in the same manner as other easements. No right or duty in favor of or against a holder and no right in favor of a person having a third-party right of enforcement arises under a conservation easement before its acceptance by the holder and a recordation of the acceptance. Except as provided in subdivision (2) of this subsection, a conservation easement is unlimited in duration unless the instrument creating it provides otherwise.

(2) An interest in real property in existence at the time a conservation easement is created is not impaired by it unless the owner of the interest is a party to the conservation easement or consents to it.

4. (1) An action affecting a conservation easement may be brought by an owner of an interest in real property burdened by the easement; a holder of the easement, a person having a third-party right of enforcement; or a person authorized by other law.

(2) This section does not affect the power of a court to modify or terminate a conservation easement in accordance with the principles of law and equity.

5. A conservation easement is valid even though:

(1) It is not appurtenant to an interest in real property;

(2) It can be or has been assigned to another holder;

(3) It is not of a character that has been recognized traditionally at common law;

(4) It imposes a negative burden that would prevent a landowner from performing acts on the land he or she would otherwise be privileged to perform absent the agreed-upon easement;

(5) It imposes affirmative obligations upon the owner of an interest in the burdened property or upon the holder;

(6) The benefit does not touch or concern real property; or

(7) There is no privity of estate or of contract.

6. Nothing in this section shall affect the ability of any public utility, municipal utility, joint municipal utility commission, rural electric cooperative, telephone cooperative, or public water supply district to acquire an easement, either through negotiation with an owner of an interest in real property or by condemnation, to lay or construct plants or facilities for the transmission or distribution of electricity, natural gas, telecommunications service, water, or the carriage of sewage along or across a conservation easement.

7. This section applies to any interest created after its effective date which complies with this section, whether designated as a conservation easement or as a covenant, equitable servitude, restriction, easement, or otherwise. This section applies to any interest created before its effective date if it would have been enforceable had it been created after its effective date unless retroactive application contravenes the constitution or laws of this state or the United States. This section does not alter the terms of any interest created before its effective date, or impose any additional burden or obligation on any grantor or grantee of such interest, or on their successors or assigns. This section does not invalidate any interest, whether designated as a conservation or preservation easement or as a covenant, equitable servitude, restriction, easement, or otherwise, that is enforceable under other laws of this state.”; and

Further amend the title and enacting clause accordingly.

Senator Schaefer moved that the above amendment be adopted, which motion prevailed.

Senator Stouffer offered **SA 2:**

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Bill No. 458, Page 1, Section A, Line 7 of said page, by inserting after all of said line the following:

“144.030. 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.761 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.824; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed

for livestock or poultry; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law (sections 281.220 to 281.310) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation slagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) Replacement machinery, equipment, and parts and the materials and supplies solely required for the installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a “material recovery processing plant” means a facility that has as its primary purpose the recovery of materials into a useable product or a different form which is used in producing a new product and shall include a facility or equipment which are used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms motor vehicle and highway shall have the same meaning pursuant to section 301.010. Material recovery is not the reuse of materials within a manufacturing process or the use of a product previously recovered. The material recovery processing plant shall qualify under the provisions of this section regardless of ownership of the material being recovered;

(5) Machinery and equipment, and parts and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption;

(6) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

(7) Animals or poultry used for breeding or feeding purposes;

(8) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and other machinery, equipment, replacement parts and supplies used in producing newspapers published for dissemination of news to the general public;

(9) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

(10) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

(11) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, in the transportation of persons or property;

(12) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision (4) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at least twenty-five percent recovered materials as defined in section 260.200. There shall be a rebuttable presumption that the raw materials used in the primary manufacture of automobiles contain at least twenty-five percent recovered materials. For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(13) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

(14) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

(15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

(16) Tangible personal property purchased by a rural water district;

(17) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation;

(18) All sales of insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to

manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales of medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and ambulatory aids, all sales of manual and powered wheelchairs, stairway lifts, Braille writers, electronic Braille equipment and, if purchased by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales of scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities;

(19) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

(20) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not-for-profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not-for-profit institution of higher education not otherwise excluded pursuant to subdivision (19) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

(21) All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530;

(22) All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as defined in section 142.028, natural gas, propane, and electricity used by an eligible new generation cooperative or an eligible new generation processing entity as defined in section 348.432, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and trailers, **and any freight charges on any exempt item.** As used in this subdivision, the term “feed additives” means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term “pesticides” includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term “farm machinery and equipment” means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon **and any accessories for and upgrades to such farm machinery and equipment, rotary mowers used exclusively for agricultural purposes,** and supplies and lubricants used exclusively, solely, and directly for producing crops, raising and feeding livestock, fish, poultry,

pheasants, chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and one-half of each purchaser's purchase of diesel fuel therefor which is:

(a) Used exclusively for agricultural purposes;

(b) Used on land owned or leased for the purpose of producing farm products; and

(c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

(23) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use:

(a) "Domestic use" means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification "residential" and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(24) All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(25) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536 to eliminate all state and local sales taxes on such excise taxes;

(26) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(27) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100 in the exercise of the functions and activities of such agency as provided pursuant to the compact;

(28) Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

(29) All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

(30) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways;

(31) Electrical energy or gas, whether natural, artificial or propane, water, or other utilities which are ultimately consumed in connection with the manufacturing of cellular glass products or in any material recovery processing plant as defined in subdivision (4) of this subsection;

(32) Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides used in the production of crops, aquaculture, livestock or poultry;

(33) Tangible personal property and utilities purchased for use or consumption directly or exclusively in the research and development of agricultural/biotechnology and plant genomics products and prescription pharmaceuticals consumed by humans or animals;

(34) All sales of grain bins for storage of grain for resale;

(35) All sales of feed which are developed for and used in the feeding of pets owned by a commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, and licensed pursuant to sections 273.325 to 273.357;

(36) All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption" shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases pursuant to the laws of the state in which the entity is located. Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as evidence of the exemption. If the exemption certificate issued by the exempt entity to the contractor is later determined by the director of revenue to be invalid for any reason and the contractor has accepted the certificate in good faith, neither the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result of use of the invalid

exemption certificate. Materials shall be exempt from all state and local sales and use taxes when purchased by a contractor for the purpose of fabricating tangible personal property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:

(a) An exempt entity located in this state, if the entity is one of those entities able to issue project exemption certificates in accordance with the provisions of section 144.062; or

(b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

(37) All sales or other transfers of tangible personal property to a lessor who leases the property under a lease of one year or longer executed or in effect at the time of the sale or other transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100;

(38) Sales of tickets to any collegiate athletic championship event that is held in a facility owned or operated by a governmental authority or commission, a quasi-governmental agency, a state university or college or by the state or any political subdivision thereof, including a municipality, and that is played on a neutral site and may reasonably be played at a site located outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that is not located on the campus of a conference member institution participating in the event;

(39) All purchases by a sports complex authority created under section 64.920, and all sales of utilities by such authority at the authority's cost that are consumed in connection with the operation of a sports complex leased to a professional sports team;

(40) Beginning January 1, 2009, but not after January 1, 2015, materials, replacement parts, and equipment purchased for use directly upon, and for the modification, replacement, repair, and maintenance of aircraft, aircraft power plants, and aircraft accessories;

(41) Sales of sporting clays, wobble, skeet, and trap targets to any shooting range or similar places of business for use in the normal course of business and money received by a shooting range or similar places of business from patrons and held by a shooting range or similar place of business for redistribution to patrons at the conclusion of a shooting event."; and

Further amend the title and enacting clause accordingly.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

Senator Brown moved that **SS** for **HB 458**, as amended, be adopted, which motion prevailed.

On motion of Senator Brown, **SS** for **HB 458**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HCS for HBs 300, 334 and 387, with SCS, entitled:

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to student athlete brain injuries.

Was taken up by Senator Mayer.

SCS for HCS for HBs 300, 334 and 387, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 300, 334 and 387

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to student athlete brain injuries.

Was taken up.

Senator Mayer moved that **SCS for HCS for HBs 300, 334 and 387** be adopted.

Senator Cunningham offered **SA 1:**

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill Nos. 300, 334 and 387, Page 2, Section 167.765, Line 39, by inserting after all of said line the following:

“167.775. 1. Any statewide athletic organization with a public school district as a member shall be required to publish an annual report relating to the impact of concussions and head injuries on student athletes which details efforts that may be made to minimize damages from injuries sustained by students participating in school sports. The annual report shall be distributed to the joint committee on education, the house committee on elementary and secondary education or any other education committee designated by the speaker of the house of representatives, and the senate committee on education or any other education committee designated by the president pro tem of the senate. The first report required under this section shall be completed and distributed no later than January 31, 2012. Such report shall be made available to school districts and to parents of students.

2. Notwithstanding any other law, no public school shall be a member of any statewide athletic

organization failing to comply with the provisions of subsection 1 of this section.”; and

Further amend the title and enacting clause accordingly.

Senator Cunningham moved that the above amendment be adopted, which motion prevailed.

Senator Mayer moved that **SCS** for **HCS** for **HBs 300, 334 and 387**, as amended, be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS** for **HCS** for **HBs 300, 334 and 387**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senator Nieves—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

At the request of Senator Lembke, **HCS** for **HB 506**, with **SCS**, was placed on the Informal Calendar.

Senator Schmitt moved that **HCS** for **HB 562**, with **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator McKenna offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 562, Page 1, Section A, Line 4, by inserting immediately after said line the following:

“160.2100. 1. Sections 160.2100 and 160.2110 shall be known and may be cited as “Erin’s Law”.

2. The “Task Force on the Prevention of Sexual Abuse of Children” is hereby created to study the issue of sexual abuse of children until January 1, 2013. The task force shall consist of all of the following members:

(1) One member of the general assembly appointed by the president pro tem of the senate;

- (2) One member of the general assembly appointed by the minority floor leader of the senate;**
- (3) One member of the general assembly appointed by the speaker of the house of representatives;**
- (4) One member of the general assembly appointed by the minority leader of the house of representatives;**
- (5) The director of the department of social services or his or her designee;**
- (6) The commissioner of education or his or her designee;**
- (7) The director of the department of health and senior services or his or her designee;**
- (8) The director of the office of prosecution services or his or her designee;**
- (9) A representative representing law enforcement appointed by the governor;**
- (10) Three active teachers employed in Missouri appointed by the governor;**
- (11) A representative of an organization involved in forensic investigation relating to child abuse in this state appointed by the governor;**
- (12) A school superintendent appointed by the governor;**
- (13) A representative of the state domestic violence coalition appointed by the governor;**
- (14) A representative from the juvenile and family court appointed by the governor;**
- (15) A representative from Missouri Network of Child Advocacy Centers appointed by the governor;**
- (16) An at-large member appointed by the governor.**

3. Members of the task force shall be individuals who are actively involved in the fields of the prevention of child abuse and neglect and child welfare. The appointment of members shall reflect the geographic diversity of the state.

4. The task force shall elect a presiding officer by a majority vote of the membership of the task force. The task force shall meet at the call of the presiding officer.

5. The task force shall make recommendations for reducing child sexual abuse in Missouri. In making those recommendations, the task force shall:

- (1) Gather information concerning child sexual abuse throughout the state;**
- (2) Receive reports and testimony from individuals, state and local agencies, community-based organizations, and other public and private organizations;**
- (3) Create goals for state policy that would prevent child sexual abuse; and**
- (4) Submit a final report with its recommendations to the governor, general assembly, and the state board of education by January 1, 2013.**

6. The recommendations may include proposals for specific statutory changes and methods to foster cooperation among state agencies and between the state and local government.

7. The task force shall consult with employees of the department of social services, the department of public safety, department of elementary and secondary education, and any other state agency,

board, commission, office, or department as necessary to accomplish the task force's responsibilities under this section.

8. The members of the task force shall serve without compensation and shall not be reimbursed for their expenses.

9. The provisions of sections 160.2100 and 160.2110 shall expire on January 1, 2013.

160.2110. 1. The task force on the prevention of sexual abuse of children established in section 160.2100 may adopt a policy addressing sexual abuse of children that may include:

(1) Age-appropriate curriculum for students in pre-K through fifth grade;

(2) Training for school personnel on child sexual abuse;

(3) Educational information to parents or guardians provided in the school handbook on the warning signs of a child being abused, along with any needed assistance, referral, or resource information;

(4) Available counseling and resources for students affected by sexual abuse; and

(5) Emotional and educational support for a child of abuse to continue to be successful in school.

2. Any policy adopted may address without limitation:

(1) Methods for increasing teacher, student, and parent awareness of issues regarding sexual abuse of children, including knowledge of likely warning signs indicating that a child may be a victim of sexual abuse;

(2) Actions that a child who is a victim of sexual abuse could take to obtain assistance and intervention; and

(3) Available counseling options for students affected by sexual abuse.”; and

Further amend the title and enacting clause accordingly.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Schmitt, **HCS** for **HB 562**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mayer appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HBs 116** and **316**, as amended: Senators Purgason, Schmitt, Lager, Callahan and Chappelle-Nadal.

PRIVILEGED MOTIONS

Senator Purgason moved that the conferees on **SS** for **SCS** for **HCS** for **HBs 116** and **316**, as amended, be allowed to exceed the differences, which motion prevailed.

Senator Keaveny moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 60**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Wasson moved that the Senate refuse to concur in **HCS** for **SB 325**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 183, introduced by Representative Silvey, entitled:

An Act to repeal sections 86.900, 86.1030, 86.1100, 86.1110, 86.1120, 86.1140, 86.1150, 86.1230, 86.1240, 86.1250, 86.1310, 86.1420, 86.1480, 86.1490, 86.1500, 86.1510, 86.1540, 86.1560, 86.1600, 86.1610, and 86.1620, RSMo, and to enact in lieu thereof twenty-one new sections relating to police and civilian employees' retirement systems.

Was called from the Informal Calendar and taken up by Senator Kraus.

On motion of Senator Kraus, **HB 183** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Engler—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Kraus, title to the bill was agreed to.

Senator Kraus moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Senator Schmitt moved that **HCS** for **HB 562**, with **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HCS** for **HB 562**, as amended, was again taken up.

Senator Schaefer offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 562, Page 14, Section 210.265, Line 29, by inserting after all of said line the following:

“568.045. 1. A person commits the crime of endangering the welfare of a child in the first degree if:

(1) The person knowingly acts in a manner that creates a substantial risk to the life, body, or health of

a child less than seventeen years old; or

(2) The person knowingly engages in sexual conduct with a person under the age of seventeen years over whom the person is a parent, guardian, or otherwise charged with the care and custody;

(3) The person knowingly encourages, aids or causes a child less than seventeen years of age to engage in any conduct which violates the provisions of chapter 195, RSMo;

(4) Such person enlists the aid, either through payment or coercion, of a person less than seventeen years of age to unlawfully manufacture, compound, produce, prepare, sell, transport, test or analyze amphetamine or methamphetamine or any of their analogues, or to obtain any material used to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues; or

(5) Such person, in the presence of a person less than seventeen years of age or in a residence where a person less than seventeen years of age resides, unlawfully manufactures[,] or attempts to manufacture compounds, possesses, produces, prepares, sells, transports, tests or analyzes amphetamine or methamphetamine or any of their analogues.

2. **Except as provided in subsection 4 of this section**, endangering the welfare of a child in the first degree is a class C felony unless the offense is committed as part of a ritual or ceremony, or except on a second or subsequent offense, in which case the crime is a class B felony.

3. This section shall be known as “Hope’s, Karra’s, and Jocelyn’s Law”.

4. **Endangering the welfare of a child in the first degree is a felony for which the authorized term of imprisonment shall not exceed twenty years, when committed under subdivision (1) of subsection 1 of this section and the person acts to create such substantial risk to the life, body, or health of a child by shaking a child under the age of five.”; and**

Further amend the title and enacting clause accordingly.

Senator Schaefer moved that the above amendment be adopted.

At the request of Senator Schmitt, **HCS** for **HB 562**, with **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Mayer, Chairman of the Committee on Gubernatorial Appointments, submitted the following report, which was read:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Thomas Irwin, as a member of the Saint Louis City Board of Police Commissioners, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Keaveny moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Wasson moved that the vote by which the Senate requested conference on **HCS** for **SB 325**, as amended, be reconsidered, which motion prevailed by the following

vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Justus	Keaveny	Kraus	Lager	Lamping	Lembke
Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Green Kehoe—2

Absent with leave—Senators—None

Vacancies—None

At the request of Senator Wasson, his motion to refuse to concur, request the House to recede from its position or, failing to do so, grant the Senate a conference on **HCS** for **SB 325**, as amended, was withdrawn.

Senator Wasson moved that **SB 325**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 325**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 325

An Act to repeal sections 333.041, 333.042, 333.051, 333.061, 333.091, 333.151, 333.171, 338.010, 338.140, 338.150, 338.210, 338.220, 338.240, 338.315, 338.330, 339.190, 429.015, 436.405, 436.412, 436.445, 436.450, 436.455, 436.456, and 516.098, RSMo, and to enact in lieu thereof twenty-seven new sections relating to professional registration, with penalty provisions and an emergency clause for a certain section.

Was taken up.

Senator Wasson moved that **HCS** for **SB 325**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senator Rupp—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Wasson, **HCS** for **SB 325**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators

Green	Ridgeway—2
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

President Pro Tem Mayer assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Ridgeway, Chairman of the Committee on Health, Mental Health, Seniors and Families, submitted the following report:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **HCS** for **HB 555**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

HOUSE BILLS ON THIRD READING

Senator Dixon moved that **HCS** for **HB 697**, with **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HCS** for **HB 697** was again taken up.

Senator Dixon offered **SS** for **SCS** for **HCS** for **HB 697**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 697

An Act to repeal sections 190.839, 198.439, 208.437, 208.480, 338.550, and 633.401, RSMo, and to enact in lieu thereof eight new sections relating to the expiration of certain state programs.

Senator Dixon moved that **SS** for **SCS** for **HCS** for **HB 697** be adopted.

Senator Schaaf offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 697, Page 10, Section 633.401, Line 14, by inserting immediately after said line the following:

“Section 1. The state auditor shall annually conduct an audit of the funds under each federal reimbursement allowance program under sections 190.800 to 190.839, sections 198.401 to 198.436, sections 208.431 to 208.437, sections 208.453 to 208.480, sections 338.500 to 338.550, and section 633.401, and provide an annual report to the general assembly that includes the amounts collected and drawn down from federal funds, and distributed to each entity under each such program.”; and

Further amend the title and enacting clause accordingly.

Senator Schaaf moved that the above amendment be adopted.

Senator Ridgeway offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 697, Page 1, Section 1, Line 3, by striking the word “shall” and inserting in lieu thereof the word “**may**”; and further amend line 7 by inserting at the end of said line the word “**may**”.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

SA 1, as amended, was again taken up.

Senator Schaefer moved that the above amendment be adopted.

Senator Schaefer requested a roll call vote be taken on the adoption of **SA 1**, as amended. He was joined in his request by Senators Callahan, Chappelle-Nadal, Keaveny and Parson.

SA 1, as amended, failed of adoption by the following vote:

YEAS—Senators

Kraus	Lembke	Ridgeway	Schaaf—4
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NAYS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Lager	Lamping
Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Richard	Rupp
Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—29			

Absent—Senator Purgason—1

Absent with leave—Senators—None

Vacancies—None

Senator Dixon moved that **SS** for **SCS** for **HCS** for **HB 697** be adopted, which motion prevailed.

Senator Dixon moved that **SS** for **SCS** for **HCS** for **HB 697** be read the 3rd time and was recognized to close.

President Pro Tem Mayer referred **SS** for **SCS** for **HCS** for **HB 697** to the Committee on Ways and Means and Fiscal Oversight.

Senator Stouffer assumed the Chair.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 70**.

With House Amendment Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 70, Page 1, In the Title, Line 3, by inserting after “RSMo,” the following: “and section 402.210 as truly agreed to and finally passed by senate substitute no. 2 for house bill no. 648, ninety-sixth general assembly, first regular session,”; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after “RSMo,” the following: “and section 402.210 as truly agreed to and finally passed by senate substitute no. 2 for house bill no. 648, ninety-sixth general assembly, first regular session,”; and

Further amend said bill, Page 17, Section 402.210, Line 56, by inserting after all of said line the

following:

“[402.210. 1. There is hereby created the “Missouri Family Trust Board of Trustees”, which shall be a body corporate and an instrumentality of the state. The board of trustees shall consist of nine persons appointed by the governor with the advice and consent of the senate. The members’ terms of office shall be three years and until their successors are appointed and qualified. The trustees shall be persons who are not prohibited from serving by sections 105.450 to 105.482 and who are not otherwise employed by the department of mental health. The board of trustees shall be composed of the following:

(1) Three members of the immediate family of persons who have a disability or are the recipients of services provided by the department in the treatment of mental illness. The advisory council for comprehensive psychiatric services, created pursuant to section 632.020, shall submit a panel of nine names to the governor, from which he shall appoint three. One shall be appointed for a term of one year, one for two years, and one for three years. Thereafter, as the term of a trustee expires each year, the Missouri advisory council for comprehensive psychiatric services shall submit to the governor a panel of not less than three nor more than five proposed trustees, and the governor shall appoint one trustee from such panel for a term of three years;

(2) Three members of the immediate family of persons who are recipients of services provided by the department in the habilitation of [the mentally retarded or developmentally disabled] **persons with intellectual disabilities or developmental disabilities**. The Missouri [advisory council on mental retardation and] developmental disabilities **council**, created pursuant to section 633.020, shall submit a panel of nine names to the governor, from which he shall appoint three. One shall be appointed for one year, one for two years and one for three years. Thereafter, as the term of a trustee expires each year, the Missouri [advisory council on mental retardation and] developmental disabilities **council** shall submit to the governor a panel of not less than three nor more than five proposed trustees, and the governor shall appoint one trustee from such panel for a term of three years;

(3) Three persons who are recognized for their expertise in general business matters and procedures. Of the three business people to be appointed by the governor, one shall be appointed for one year, one for two years and one for three years. Thereafter, as the term of a trustee expires each year, the governor shall appoint one business person as trustee for a term of three years.

2. The trustees shall receive no compensation for their services. The trust shall reimburse the trustees for necessary expenses actually incurred in the performance of their duties.

3. As used in this section, the term “immediate family” includes spouse, parents, parents of spouse, children, spouses of children and siblings.

4. The board of trustees shall be subject to the provisions of sections 610.010 to 610.120.

5. The board of trustees shall annually prepare or cause to be prepared an accounting of the trust funds and shall transmit a copy of the accounting to the governor, the president pro tempore of the senate and the speaker of the house of representatives.

6. The board of trustees shall establish policies, procedures and other rules and regulations necessary to implement the provisions of sections 402.199 to 402.220.]”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 70, Page 1, Line 4 of the Title, by deleting the words “the Missouri family trust” and inserting in lieu thereof the words “contractual acts”; and

Further amend said bill, Page 1, Section A, Line 5 by inserting after said line the following:

“34.376. 1. Sections 34.376 to 34.380 may be known as the “Transparency in Private Attorney Contracts Act”.

2. As used in sections 34.376 to 34.380, the following terms shall mean:

- (1) “Government attorney”, an attorney employed by the state as an assistant attorney general;**
- (2) “Private attorney”, any private attorney or law firm;**
- (3) “State”, the state of Missouri, in any action instituted by the attorney general under section 27.060.**

34.378. 1. The state shall not enter into a contingency fee contract with a private attorney unless the attorney general makes a written determination prior to entering into such a contract that contingency fee representation is both cost-effective and in the public interest. Any written determination shall include specific findings for each of the following factors:

- (1) Whether there exist sufficient and appropriate legal and financial resources within the attorney general’s office to handle the matter;**
- (2) The time and labor required; the novelty, complexity, and difficulty of the questions involved; and the skill requisite to perform the attorney services properly;**
- (3) The geographic area where the attorney services are to be provided; and**
- (4) The amount of experience desired for the particular kind of attorney services to be provided and the nature of the private attorney’s experience with similar issues or cases.**

2. If the attorney general makes the determination described in subsection 1 of this section, the attorney general shall request proposals from private attorneys to represent the department on a contingency fee basis, unless the attorney general determines that requesting proposals is not feasible under the circumstances and sets forth the basis for this determination in writing.

3. The state may not enter into a contingency fee contract that provides for the private attorney to receive an aggregate contingency fee in excess of twenty-five percent of the net recovery to the state.

4. The state shall not enter into a contract for contingency fee attorney services unless the following requirements are met throughout the contract period and any extensions to the contract:

- (1) The government attorneys shall retain complete control over the course and conduct of the case;**
- (2) A government attorney with supervisory authority shall be personally involved in overseeing the litigation;**
- (3) The government attorneys shall retain veto power over any decisions made by outside counsel;**

(4) A government attorney with supervisory authority for the case shall attend all settlement conferences; and

(5) Decisions regarding settlement of the case shall be reserved exclusively to the discretion of the government attorneys and the state.

5. The attorney general shall develop a standard addendum to every contract for contingent fee attorney services that shall be used in all cases, describing in detail what is expected of both the contracted private attorney and the state, including, without limitation, the requirements listed in subsection 4 of this section.

6. Copies of any executed contingency fee contract and the attorney general's written determination to enter into a contingency fee contract with the private attorney shall be posted on the attorney general's website for public inspection within five business days after the date the contract is executed and shall remain posted on the website for the duration of the contingency fee contract, including any extensions or amendments to the contract. Any payment of contingency fees shall be posted on the attorney general's website within fifteen days after the payment of such contingency fees to the private attorney and shall remain posted on the website for at least three hundred sixty-five days.

7. Any private attorney under contract to provide services to the state on a contingency fee basis shall, from the inception of the contract until at least four years after the contract expires or is terminated, maintain detailed current records, including documentation of all expenses, disbursements, charges, credits, underlying receipts and invoices, and other financial transactions that concern the provision of such attorney services. The private attorney shall make all such records available for inspection and copying upon request in accordance with chapter 610. The private attorney shall maintain detailed contemporaneous time records for the attorneys and paralegals working on the matter in increments of no greater than one tenth of an hour and shall promptly provide these records to the attorney general, upon request.

8. By February first of each year, the attorney general shall submit a report to the president pro tem of the senate and the speaker of the house of representatives describing the use of contingency fee contracts with private attorneys in the preceding calendar year. At a minimum, the report shall:

(1) Identify all new contingency fee contracts entered into during the year and all previously executed contingency fee contracts that remain current during any part of the year, and for each contract describe:

(a) The name of the private attorney with whom the department has contracted, including the name of the attorney's law firm;

(b) The nature and status of the legal matter;

(c) The name of the parties to the legal matter;

(d) The amount of any recovery; and

(e) The amount of any contingency fee paid.

(2) Include copies of any written determinations made under subsections 1 and 2 of this section.

34.380. Nothing in sections 34.376 to 34.380 shall be construed to expand the authority of any state

agency or state agent to enter into contracts where no such authority previously existed.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 180**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 254**, entitled:

An Act to repeal sections 302.309, 302.530, 558.021, and 577.023, RSMo, and to enact in lieu thereof four new sections relating to intoxicated-related traffic offenses, with penalty provisions.

With House Amendment Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 254, Page 10, Section 577.023, Lines 110 to 177 by deleting all of said Lines and inserting in lieu thereof the following:

“the jury outside of its hearing.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 254, Pages 1-2, Section 302.309, Lines 12-26, by deleting all of said lines and inserting in lieu thereof, the following:

“(2) When any court of record having jurisdiction or the director of revenue finds that an operator is required to operate a motor vehicle in connection with any of the following:

(a) A business, occupation, or employment;

(b) Seeking medical treatment for such operator;

(c) Attending school or other institution of higher education;

(d) Attending alcohol or drug treatment programs;

(e) Seeking the required services of a certified ignition interlock device provider; or

(f) Any other circumstance the court or director finds would create an undue hardship on the operator; the court or director may grant such limited driving privilege as the circumstances of the case justify if the court or director finds undue hardship would result to the individual, and while so operating a motor vehicle within the restrictions and limitations of the limited driving privilege the driver shall not be guilty of operating a motor vehicle without a valid license.

[(2)] **(3)** When any court of record having jurisdiction or the director of revenue finds that an operator **convicted of violating the provisions of section 577.010 or 577.012** is required to operate a motor vehicle in connection with any of the following:

(a) [A business, occupation, or] **Driving to or from the operator's places of employment;**

(b) [Seeking medical treatment for such operator;

(c)] Attending school or other institution of higher education;

[(d)] **(c)** Attending alcohol or drug treatment programs; **or**

[(e)] **(d)** Seeking the required services of a certified ignition interlock device provider; [or

(f) Any other circumstance the court or director finds would create an undue hardship on the operator;] the court or director may grant such limited driving privilege as the circumstances of the case justify if the court or director finds undue hardship would result to the individual, and while so operating a motor vehicle within the restrictions and limitations of the limited driving privilege the driver shall not be guilty of operating a motor vehicle without a valid license.”; and

Renumber subsequent subdivisions accordingly; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HBS 116** and **316**. Representatives: Flanigan, Diehl, Jones (117), Kelly (24) and Talboy.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS No. 2** for **SCS** for **SB 117**, entitled:

An Act to repeal sections 32.028, 32.087, 67.1303, 70.710, 70.720, 70.730, 105.716, 137.082, 144.032, 144.083, 144.190, 168.071, 250.140, 339.501, and 447.708, RSMo, and to enact in lieu thereof thirty-three new sections relating to collection of taxes and fees, with a penalty provision and an emergency clause for certain sections.

With House Amendment Nos. 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14 and 15.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 117, Section 32.420, Page 10, Line 3, by inserting the following at the end of said Line:

“This authority shall not supersede the authority granted to the attorney general under section 27.060 or any other statute.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 117,

Page 1, In the Title, Line 3, by inserting after the number “168.071,” the number “215.020,”; and

Further amend said bill, Page 1, In the Title, Line 4, by deleting the word “thirty-three” and inserting in lieu thereof the word “thirty-four”; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after the number “168.071,” the number “215.020,”; and

Further amend said bill, Page 1, Section A, Line 3, by deleting the word “thirty-three” and inserting in lieu thereof the word “thirty-four”; and

Further amend said bill, Page 1, Section A, Line 6, by inserting after the number “205.205,” the number “215.020,”; and

Further amend said bill, Page 40, Section 205.205, Line 67, by inserting after all of said line the following:

“215.020. 1. There is hereby created and established as a governmental instrumentality of the state of Missouri the “Missouri Housing Development Commission” which shall constitute a body corporate and politic.

2. The commission shall consist of the governor, lieutenant governor, the state treasurer, the state attorney general, and six members to be selected by the governor, with the advice and consent of the senate. The persons to be selected by the governor shall be individuals knowledgeable in the areas of housing, finance or construction. Not more than four of the members appointed by the governor shall be from the same political party. The members of the commission appointed by the governor shall serve the following terms: Two shall serve two years, two shall serve three years, and two shall serve four years, respectively. Thereafter, each appointment shall be for a term of four years. If for any reason a vacancy occurs, the governor, with the advice and consent of the senate, shall appoint a new member to fill the unexpired term. Members are eligible for reappointment.

3. Six members of the commission shall constitute a quorum. No vacancy in the membership of the commission shall impair the right of a quorum to exercise all the rights and perform all the duties of the commission. No action shall be taken by the commission except upon the affirmative vote of at least six of the members of the commission.

4. Each member of the commission appointed by the governor is entitled to compensation of fifty dollars per diem plus his reasonable and necessary expenses actually incurred in discharging his duties under sections 215.010 to 215.250.

5. The department staff shall report to an executive director who shall be appointed by the governor and such executive director shall implement only those policies which are presented by the executive director and approved by the commission.

6. The employment of the executive director, including the executive director serving in such capacity on the effective date of this section, shall be subject to the advice and consent of the senate in the same manner as an appointment subject to the provisions of article IV, section 51 of the Missouri Constitution and shall be for a term of three years subject to reappointment for additional terms. Each additional term shall be subject to the advice and consent of the senate.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 117, Page 20, Section 70.730, Line 52, by inserting after all of said section the following:

“72.401. 1. If a commission has been established pursuant to [section] **sections 72.400 to 72.423** in any county with a charter form of government where fifty or more cities, towns and villages have been established, any boundary change within the county shall proceed solely and exclusively in the manner provided for by sections 72.400 to 72.423, notwithstanding any statutory provisions to the contrary concerning such boundary changes.

2. In any county with a charter form of government where fifty or more cities, towns and villages have been established, if the governing body of such county has by ordinance established a boundary commission, as provided in sections 72.400 to 72.423, then boundary changes in such county shall proceed only as provided in sections 72.400 to 72.423.

3. The commission shall be composed of eleven members as provided in this subsection. No member, employee or contractor of the commission shall be an elective official, employee or contractor of the county or of any political subdivision within the county or of any organization representing political subdivisions or officers or employees of political subdivisions. Each of the appointing authorities described in subdivisions (1) to (3) of this subsection shall appoint persons who shall be residents of their respective locality so described. The appointing authority making the appointments shall be:

(1) The chief elected officials of all municipalities wholly within the county which have a population of more than twenty thousand persons, who shall name two members to the commission as prescribed in this subsection each of whom is a resident of a municipality within the county of more than twenty thousand persons;

(2) The chief elected officials of all municipalities wholly within the county which have a population of twenty thousand or less but more than ten thousand persons, who shall name one member to the commission as prescribed in this subsection who is a resident of a municipality within the county with a population of twenty thousand or less but more than ten thousand persons;

(3) The chief elected officials of all municipalities wholly within the county which have a population of ten thousand persons or less, who shall name one member to the commission as prescribed in this subsection who is a resident of a municipality within the county with a population of ten thousand persons or less;

(4) An appointive body consisting of the director of the county department of planning, the president of the municipal league of the county, one additional person designated by the county executive, and one additional person named by the board of the municipal league of the county, which appointive body, acting by a majority of all of its members, shall name three members of the commission who are residents of the county; and

(5) The county executive of the county, who shall name four members of the commission, three of whom shall be from the unincorporated area of the county and one of whom shall be from the incorporated area of the county. The seat of a commissioner shall be automatically vacated when the commissioner changes his or her residence so as to no longer conform to the terms of the requirements of the commissioner's appointment. The commission shall promptly notify the appointing authority of such change of residence.

4. Upon the passage of an ordinance by the governing body of the county establishing a boundary commission, the governing body of the county shall, within ten days, send by United States mail written notice of the passage of the ordinance to the chief elected official of each municipality wholly or partly in the county.

5. Each of the appointing authorities described in subdivisions (1) to (4) of subsection 3 of this section shall meet within thirty days of the passage of the ordinance establishing the commission to compile its list of appointees. Each list shall be delivered to the county executive within forty-one days of the passage of such ordinance. The county executive shall appoint members within forty-five days of the passage of the ordinance. If a list is not submitted by the time specified, the county executive shall appoint the members using the criteria of subsection 3 of this section before the sixtieth day from the passage of the ordinance. At the first meeting of the commission appointed after the effective date of the ordinance, the commissioners shall choose by lot the length of their terms. Three shall serve for one year, two for two years, two for three years, two for four years, and two for five years. All succeeding commissioners shall serve for five years. Terms shall end on December thirty-first of the respective year. No commissioner shall serve more than two consecutive full terms. Full terms shall include any term longer than two years.

6. When a member's term expires, or if a member is for any reason unable to complete his term, the respective appointing authority shall appoint such member's successor. Each appointing authority shall act to ensure that each appointee is secured accurately and in a timely manner, when a member's term expires or as soon as possible when a member is unable to complete his term. A member whose term has expired shall continue to serve until his successor is appointed and qualified.

7. The commission, its employees and subcontractors shall be subject to the regulation of conflicts of interest as defined in sections 105.450 to [105.498] **105.496** and to the requirements for open meetings and records under chapter 610.

8. Notwithstanding any provisions of law to the contrary, any boundary adjustment approved by the residential property owners and the governing bodies of the affected municipalities or the county, if involved, shall not be subject to commission review. Such a boundary adjustment is not prohibited by the existence of an established unincorporated area.

9. Notwithstanding any provisions of law to the contrary, any voluntary annexation approved by ordinance of any municipality that is a service provider for both water and sewer service within the municipality shall be effective as provided in such annexation ordinance and shall not be subject to boundary commission review. Such an annexation is not prohibited by the existence of an established unincorporated area.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 117, Page 22, Section 105.716, Line 40, by inserting after all of said line the following:

“135.630. 1. As used in this section, the following terms mean:

- (1) “Contribution”, a donation of cash, stock, bonds, or other marketable securities, or real property;
- (2) “Director”, the director of the department of social services;

(3) “Pregnancy resource center”, a nonresidential facility located in this state:

(a) Established and operating primarily to provide assistance to women with crisis pregnancies or unplanned pregnancies by offering pregnancy testing, counseling, emotional and material support, and other similar services to encourage and assist such women in carrying their pregnancies to term; and

(b) Where childbirths are not performed; and

(c) Which does not perform, induce, or refer for abortions and which does not hold itself out as performing, inducing, or referring for abortions; and

(d) Which provides direct client services at the facility, as opposed to merely providing counseling or referral services by telephone; and

(e) Which provides its services at no cost to its clients; and

(f) When providing medical services, such medical services must be performed in accordance with Missouri statute; and

(g) Which is exempt from income taxation pursuant to the Internal Revenue Code of 1986, as amended;

(4) “State tax liability”, in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148, and 153, excluding sections 143.191 to 143.265 and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, excluding sections 143.191 to 143.265 and related provisions;

(5) “Taxpayer”, a person, firm, a partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, or an individual subject to the state income tax imposed by the provisions of chapter 143, or any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143.

2. For all tax years beginning on or after January 1, 2007, a taxpayer shall be allowed to claim a tax credit against the taxpayer’s state tax liability in an amount equal to fifty percent of the amount such taxpayer contributed to a pregnancy resource center.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer’s state tax liability for the taxable year for which the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer’s contribution or contributions to a pregnancy resource center or centers in such taxpayer’s taxable year has a value of at least one hundred dollars.

5. The director shall determine, at least annually, which facilities in this state may be classified as pregnancy resource centers. The director may require of a facility seeking to be classified as a pregnancy resource center whatever information which is reasonably necessary to make such a determination. The director shall classify a facility as a pregnancy resource center if such facility meets the definition set forth in subsection 1 of this section.

6. The director shall establish a procedure by which a taxpayer can determine if a facility has been classified as a pregnancy resource center. Pregnancy resource centers shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to pregnancy resource centers in any one fiscal year shall not exceed two million dollars. Tax credits shall be issued in the order contributions are received.

7. The director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all facilities classified as pregnancy resource centers. If a pregnancy resource center fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those pregnancy resource centers that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. Each pregnancy resource center shall provide information to the director concerning the identity of each taxpayer making a contribution to the pregnancy resource center who is claiming a tax credit pursuant to this section and the amount of the contribution. The director shall provide the information to the director of revenue. The director shall be subject to the confidentiality and penalty provisions of section 32.057 relating to the disclosure of tax information.

9. Notwithstanding any other law to the contrary, any tax credits granted under this section may be assigned, transferred, sold, or otherwise conveyed without consent or approval. Such taxpayer, hereinafter the assignor for purposes of this section, may sell, assign, exchange, or otherwise transfer earned tax credits:

- (1) For no less than seventy-five percent of the par value of such credits; and
- (2) In an amount not to exceed one hundred percent of annual earned credits.

10. [Pursuant to section 23.253 of the Missouri sunset act:

(1) Any new program authorized under this section shall automatically sunset six years after August 28, 2006, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which a program authorized under this section is sunset] **Pursuant to section 23.253 of the Missouri sunset act, the provisions of the program authorized under this section are hereby reauthorized and shall automatically sunset on August 28, 2015.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 117, Page 41, Section 250.140, Line 34, by inserting after all of said section and line the following:

“311.728. There is hereby created in the state treasury the “Division of Alcohol and Tobacco Control Enforcement Fund”, which shall consist of money collected under subsection 2 of section 311.730. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, money in the fund shall be used solely for the administration of this chapter. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

311.730. 1. All **inspection and gauging** fees collected by the director of revenue as provided for in this chapter[, including licenses, inspection and gauging fees,] shall be paid into the state treasury, to the credit of the ordinary state revenue fund.

2. All license fees shall be distributed equally between the ordinary state revenue fund and the alcohol and tobacco control enforcement fund established pursuant to section 311.728.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 117, Page 27, Section 144.032, Line 4, by inserting after the number **“67.729”** the words **“or 205.205”**; and

Further amend said bill, Page 27, Section 144.032, Line 5, by deleting the number **“205.205”** and inserting in lieu thereof the number **“206.165”**; and

Further amend said bill, Page 39, Section 168.071, Line 114, by inserting after said line the following:

“205.205. 1. The governing body of any county of the third classification without a township form of government and with more than eleven thousand seven hundred fifty but fewer than eleven thousand eight hundred fifty inhabitants, and operates a hospital established under this chapter may, by resolution, abolish the property tax authorized to fund the county hospital under this chapter and impose a sales tax on all retail sales made within the county which are subject to sales tax under chapter 144 and all sales of metered water services, electricity, electrical current and natural, artificial or propane gas, wood, coal, or home heating oil for domestic use only as provided under section 144.032. The tax authorized in this section shall be not more than one percent, and shall be imposed solely for the purpose of funding the county hospital. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. No such resolution adopted under this section shall become effective unless the governing body of the county submits to the voters residing within the county at a state general, primary, or special election a proposal to authorize the governing body of the county to impose a tax under this section.

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales tax. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

3. All revenue collected under this section by the director of the department of revenue on behalf of the county hospital, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the "County Hospital Sales Tax Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the fund and credited to the county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such county. Any funds in the special fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The governing body of any county that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the county. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved.

If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

5. Whenever the governing body of any county that has adopted the sales tax authorized in this section receives a petition, signed by a number of registered voters of the county equal to at least ten percent of the number of registered voters of the county voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the county a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

6. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the county shall notify the director of the department of revenue of the action at least ninety days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and

to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director shall remit the balance in the account to the county and close the account of that county. The director shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.”; and

Further amend said bill, page 39, section 205.205, line 1, by deleting “**205.205**” and inserting in lieu thereof the number “**206.165**”; and

Further amend said bill, page 39, section 205.205, line 2 by deleting “**205.160 to 205.379**” and inserting in lieu thereof “**206.010 to 206.160**”; and

Further amend said bill, page 51, section B, line 3 by deleting “**205.205**” and inserting in lieu thereof the number “**206.165**”; and

Further amend said bill, page 51, section B, line 6, by deleting “**205.205**” and inserting in lieu thereof the number “**206.165**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 117, Section 67.1303, Page 18, Line 124, by inserting the following after all of said line:

“67.1521. 1. A district may levy by resolution one or more special assessments against real property within its boundaries, upon receipt of and in accordance with a petition signed by:

(1) Owners of real property collectively owning more than fifty percent by assessed value of real property within the boundaries of the district; and

(2) More than fifty percent per capita of the owners of all real property within the boundaries of the district.

2. The special assessment petition shall be in substantially the following form:

The (insert name of district) Community Improvement District (“District”) shall be authorized to levy special assessments against real property benefited within the District for the purpose of providing revenue for (insert general description of specific service and/or projects) in the district, such special assessments to be levied against each tract, lot or parcel of real property listed below within the district which receives special benefit as a result of such service and/or projects, the cost of which shall be allocated among this property by (insert method of allocation, e.g., per square foot of property, per square foot on each square foot of improvement, or by abutting foot of property abutting streets, roads, highways, parks or other improvements, or any other reasonable method) in an amount not to exceed dollars per (insert unit of measure). Such authorization to levy the special assessment shall expire on (insert date). The tracts of land located in the district which will receive special benefit from this service and/or projects are: (list of properties by common addresses and legal descriptions).

3. The method for allocating such special assessments set forth in the petition may be any reasonable method which results in imposing assessments upon real property benefited in relation to the benefit conferred upon each respective tract, lot or parcel of real property and the cost to provide such benefit.

4. By resolution of the board, the district may levy a special assessment rate lower than the rate ceiling set forth in the petition authorizing the special assessment and may increase such lowered special assessment rate to a level not exceeding the special assessment rate ceiling set forth in the petition without further approval of the real property owners; provided that a district imposing a special assessment pursuant to this section may not repeal or amend such special assessment or lower the rate of such special assessment if such repeal, amendment or lower rate will impair the district's ability to pay any liabilities that it has incurred, money that it has borrowed or obligations that it has issued.

5. Each special assessment which is due and owing shall constitute a perpetual lien against each tract, lot or parcel of property from which it is derived. Such lien may be foreclosed in the same manner as any other special assessment lien as provided in section 88.861 **or, at the option of the county collector, and upon certification by the district for collection, each special assessment may be added to the annual real estate tax bill for the property and collected by the county collector in the same manner and procedure for collecting real estate taxes. Each special assessment remaining unpaid on the first day of January annually is delinquent and enforcement of collection of the delinquent bill by the county collector shall be governed by the laws concerning delinquent and back taxes. The lien may be foreclosed in the same manner as a tax upon real property by land tax sale pursuant to Chapter 140 or, if applicable to that county, Chapter 141.**

6. A separate fund or account shall be created by the district for each special assessment levied and each fund or account shall be identifiable by a suitable title. The proceeds of such assessments shall be credited to such fund or account. Such fund or account shall be used solely to pay the costs incurred in undertaking the specified service or project.

7. Upon completion of the specified service or project or both, the balance remaining in the fund or account established for such specified service or project or both shall be returned or credited against the amount of the original assessment of each parcel of property pro rata based on the method of assessment of such special assessment.

8. Any funds in a fund or account created pursuant to this section which are not needed for current expenditures may be invested by the board in accordance with applicable laws relating to the investment of funds of the city in which the district is located.

9. The authority of the district to levy special assessments shall be independent of the limitations and authorities of the municipality in which it is located; specifically, the provisions of section 88.812 shall not apply to any district.”; and

Further amend said bill, Page 24, Section 137.082, Line 86, by inserting after all of said section and line, the following:

“140.410. In all cases where lands have been or may hereafter be sold for delinquent taxes, penalty, interest and costs due thereon, and a certificate of purchase has been or may hereafter be issued, it is hereby made the duty of such purchaser, his heirs or assigns, to cause **all subsequent taxes to be paid on the property purchased prior to the issuance of any collector's deed, and the purchaser shall further cause** a deed to be executed and placed on record in the proper county **all** within two years from the date of said sale; provided, that on failure of said purchaser, his heirs or assigns so to do, then and in that case the amount due such purchaser shall cease to be a lien on said lands so purchased as herein provided. **Upon the purchaser's forfeiture of all rights of the property acquired by the certificate of purchase issued, and including the nonpayment of all subsequent years' taxes as described in this section, it shall be**

the responsibility of the collector to record the cancellation of the certificate of purchase in the office of the recorder of deeds of the county. Certificates of purchase cannot be assigned to nonresidents or delinquent taxpayers. **However,** any person purchasing property at a delinquent land tax sale **who meets the requirements of this section, prior to receiving a collector's deed,** shall pay to the collector the fee necessary for the recording of such [collector] **collector's deed** to be issued. It shall be the responsibility of the collector to record the deed before delivering such deed to the purchaser of the property.”; and

Further amend said bill, Page 51, Section 2, Line 58, by inserting after all of said section and line, the following:

“[140.660. The state tax commission shall prescribe the forms of all certificates, blanks and books required under the provisions of this law and shall, with the advice of the attorney general, decide all questions that arise in reference to the true construction or interpretation of this law, or any part thereof, with reference to the powers and duties of county or township tax officers, and the decision shall have force and effect until modified or annulled by the judgment or decree of a court of competent jurisdiction.]”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 117, Page 20, Section 70.730, Line 52, by inserting after all of said section and line the following:

“94.900. 1. **(1)** The governing body of **the following cities may impose a tax as provided in this section:**

(a) Any city of the third classification with more than ten thousand eight hundred but less than ten thousand nine hundred inhabitants located at least partly within a county of the first classification with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants[, or];

(b) Any city of the fourth classification with more than eight thousand nine hundred but fewer than nine thousand inhabitants[, or];

(c) Any city of the fourth classification with more than two thousand six hundred but fewer than two thousand seven hundred inhabitants and located in any county of the first classification with more than eighty-two thousand but fewer than eighty-two thousand one hundred inhabitants[, or];

(d) Any home rule city with more than forty-eight thousand but fewer than forty-nine thousand inhabitants;

(e) Any home rule city with more than seventy-three thousand but fewer than seventy-five thousand inhabitants.

(2) The governing body of any city listed in subdivision (1) of this subsection is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half of one percent on all retail sales made in such city which are subject to taxation under the provisions of sections 144.010 to 144.525 for the purpose of improving the public safety for such city, including but not limited to expenditures on equipment, city employee salaries and benefits, and facilities for police, fire and emergency medical providers. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to the provisions of this section shall be effective unless

the governing body of the city submits to the voters of the city, at a county or state general, primary or special election, a proposal to authorize the governing body of the city to impose a tax.

2. If the proposal submitted involves only authorization to impose the tax authorized by this section, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the city of (city's name) impose a citywide sales tax of (insert amount) for the purpose of improving the public safety of the city?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal submitted pursuant to this subsection, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales tax. If a proposal receives less than the required majority, then the governing body of the city shall have no power to impose the sales tax herein authorized unless and until the governing body of the city shall again have submitted another proposal to authorize the governing body of the city to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. All revenue received by a city from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely for improving the public safety for such city for so long as the tax shall remain in effect.

4. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for improving the public safety for the city. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city funds.

5. All sales taxes collected by the director of the department of revenue under this section on behalf of any city, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which is hereby created, to be known as the "City Public Safety Sales Tax Trust Fund". The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of the general revenue fund. The director of the department of revenue shall keep accurate records of the amount of money in the trust and which was collected in each city imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the city and the public. Not later than the tenth day of each month the director of the department of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city which levied the tax; such funds shall be deposited with the city treasurer of each such city, and all expenditures of funds arising from the trust fund shall be by an appropriation act to be enacted by the governing body of each such city. Expenditures may be made from the fund for any functions authorized in the ordinance or order adopted by the governing body submitting the tax to the voters.

6. The director of the department of revenue may make refunds from the amounts in the trust fund and credited to any city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities. If any city abolishes the tax, the city shall notify the director of the department of revenue of the action at least ninety days prior to the effective date of the repeal and the director of the department of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director of the department of revenue shall remit the balance in the account to the city and close the account of that city. The director of the department of revenue shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

7. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed pursuant to this section.”; and

Further amend said bill, Page 51, Section 2, Line 58, by inserting after all of said section and line the following:

“Section 3. 1. The governing body of any home rule city with more than eighty-four thousand five hundred but fewer than eighty-four thousand six hundred inhabitants is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one percent on all retail sales made in such city which are subject to taxation under the provisions of sections 144.010 to 144.525 for the purpose of capital improvements for public safety for such city, including but not limited to expenditures for new construction and equipment, repair and maintenance of buildings and equipment, and for financing such capital improvements for public safety. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to the provisions of this section shall be effective unless the governing body of the city submits to the voters of the city, at a county or state general, primary or special election, a proposal to authorize the governing body of the city to impose a tax.

2. If the proposal submitted involves only authorization to impose the tax authorized by this section, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the city of (city’s name) impose a citywide sales tax of (insert amount) for the purpose of capital improvements for public safety of the city?

☐ YES

☐ NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”.

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal submitted pursuant to this subsection, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales tax. If a proposal receives less than the required majority, then the governing body of the city shall have no power to impose the sales tax herein authorized unless and until the governing body of the city shall again have submitted another proposal to authorize the governing body of the city to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon.

However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. All revenue received by a city from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely for capital improvements for public safety for such city for so long as the tax shall remain in effect.

4. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for capital improvements for public safety for the city. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city funds.

5. All sales taxes collected by the director of the department of revenue under this section on behalf of any city, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which is hereby created, to be known as the "City Capital Improvements for Public Safety Sales Tax Trust Fund". The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of the general revenue fund. The director of the department of revenue shall keep accurate records of the amount of money in the trust and which was collected in each city imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the city and the public. Not later than the tenth day of each month the director of the department of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city which levied the tax; such funds shall be deposited with the city treasurer of each such city, and all expenditures of funds arising from the trust fund shall be by an appropriation act to be enacted by the governing body of each such city. Expenditures may be made from the fund for any functions authorized in the ordinance or order adopted by the governing body submitting the tax to the voters.

6. The director of the department of revenue may make refunds from the amounts in the trust fund and credited to any city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities. If any city abolishes the tax, the city shall notify the director of the department of revenue of the action at least ninety days prior to the effective date of the repeal and the director of the department of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director of the department of revenue shall remit the balance in the account to the city and close the account of that city. The director of the department of revenue shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

7. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed pursuant to this section."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 117, Section 70.730, Page 20, Line 52, by inserting the following after all of said line:

“94.585. 1. The governing body of any city of the third classification with more than ten thousand eight hundred but fewer than ten thousand nine hundred inhabitants and located in more than one county may impose, by order or ordinance, a sales tax on all retail sales made within the city which are subject to sales tax under chapter 144. The tax authorized in this section shall not exceed one percent, and shall be imposed solely for the purpose of funding the construction, maintenance, operation, and equipping of a community center and retiring any bonds issued for such purposes. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. No such order or ordinance adopted under this section shall become effective unless the governing body of the city submits to the voters residing within the city at a state general, primary, or special election a proposal to authorize the governing body of the city to impose a tax and issue bonds under this section. Such a proposal may include only the proposal to impose a sales tax or a proposal to issue bonds and to impose a sales tax to retire such bonds.

3. The ballot of submission shall contain, but need not be limited to the following language:

(1) If the proposal submitted involves only authorization to impose the tax authorized by this section, the following language:

Shall the municipality of (municipality’s name) impose a sales tax of (insert amount) for a period of twenty-five years for the purpose of funding the construction, maintenance, operation, and equipping of a community center which may include the retirement of debt under previously authorized bonded indebtedness?

(2) If the proposal submitted involves authorization to issue bonds and repay such bonds with revenues from the tax authorized by this section, the following language:

Shall the municipality of (municipality’s name) issue bonds in the amount of (insert amount) for a period of twenty-five years to fund construction, maintenance, operation, and equipping of a community center and impose a sales tax of (insert amount) to repay bonds?

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales tax, except that any proposal submitted to issue bonds shall be approved by the constitutionally required percentage of the voters voting thereon to become effective. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by the requisite majority of the qualified voters voting on the question. In no event shall a proposal under this section be submitted to the voters sooner than twelve months from the date of the last proposal under this section.

4. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under this section.

5. All revenue collected under this section by the director of the department of revenue on behalf of any city, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which is hereby created and shall be known as the "City Community Center Sales Tax Trust Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the fund and credited to the city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such city. Any funds in the special fund which are not needed for meeting current obligations under any bond issued under this section or for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

6. The governing body of any city that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. Except as provided in subsection 9 of this section, if a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

7. Whenever the governing body of any city that has adopted the sales tax authorized in this section receives a petition, signed by a number of registered voters of the city equal to at least ten percent of the number of registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. Except as provided in subsection 9 of this section, if a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

8. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the city shall notify the director of the department of revenue of the action at least ninety days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director shall remit the balance in the account to the city and close the account of that city. The director shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

9. No sales tax imposed under this section shall be terminated until all of any bonds issued under this section have been retired.

10. The sales tax imposed under this section shall be imposed for a period of twenty-five years, and may be extended upon the approval of the voters of the city in the same manner in which the sales tax was adopted.

11. The city shall establish a board consisting of seven members, one of which shall be the mayor of the city, to administer the provisions of this section with such powers and duties which shall be delegated by the governing body of the city.

12. No bonds issued under this section shall be refinanced for a term longer than the number of years remaining on the original terms of the bonds being refinanced without the approval of the voters of the city. Any proposal to refinance such bonds submitted to the voters shall include the number of years the bonds will be refinanced and the number of years the sales tax will be extended to repay such refinanced bonds.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 117, Page 24, Section 137.082, Line 86 by inserting after all of said section and line the following:

“137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor’s deputies in all counties of this state including the city of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor’s city, county, town or district. Except as otherwise provided in subsection 3 of this section and section 137.078, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The true value in money of any possessory interest in real property in subclass (3), where such real property is on or lies within the ultimate airport boundary as shown by a federal airport layout plan, as defined by 14 CFR 151.5, of a commercial airport having a FAR Part 139 certification and owned by a political subdivision, shall be the otherwise applicable true value in money of any such possessory interest in real property, less the total dollar amount of costs paid by a party, other than the political subdivision, towards any new construction or improvements on such real property completed after January 1, 2008, and which are included in the above-mentioned possessory interest, regardless of the year in which such costs were incurred or whether such costs were considered in any prior year. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor’s books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor’s

plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

(1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and

(2) The purchase prices from sales of at least three comparable properties and the address or location thereof. As used in this subdivision, the word "comparable" means that:

(a) Such sale was closed at a date relevant to the property valuation; and

(b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

2. Assessors in each county of this state and the city of St. Louis may send personal property assessment forms through the mail.

3. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following percentages of their true value in money:

(1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;

(2) Livestock, twelve percent;

(3) Farm machinery, twelve percent;

(4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles pursuant to section 301.131 and aircraft which are at least twenty-five years old and which are used solely for noncommercial purposes and are operated less than fifty hours per year or aircraft that are home built from a kit, five percent;

(5) Poultry, twelve percent; and

(6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision (6) of section 135.200, twenty-five percent.

4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

5. All subclasses of real property, as such subclasses are established in section 4(b) of article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the following percentages of true value:

- (1) For real property in subclass (1), nineteen percent;
- (2) For real property in subclass (2), twelve percent; and
- (3) For real property in subclass (3), thirty-two percent.

6. Manufactured homes, as defined in section 700.010, which are actually used as dwelling units shall be assessed at the same percentage of true value as residential real property for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. For purposes of this section, a manufactured home located in a manufactured home rental park, rental community or on real estate not owned by the manufactured home owner shall be considered personal property. For purposes of this section, a manufactured home located on real estate owned by the manufactured home owner may be considered real property.

7. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement pursuant to section 137.750, unless the manufactured home is real estate as defined in subsection 7 of section 442.015 and assessed as a realty improvement to the existing real estate parcel.

8. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home is real estate as defined in subsection 7 of section 442.015, in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

9. The assessor of each county and each city not within a county shall use the trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle.

10. Before the assessor may increase the assessed valuation of any parcel of subclass (1) real property by more than fifteen percent since the last assessment, excluding increases due to new construction or improvements, the assessor shall conduct a physical inspection of such property.

11. If a physical inspection is required, pursuant to subsection 10 of this section, the assessor shall notify the property owner of that fact in writing and shall provide the owner clear written notice of the owner's

rights relating to the physical inspection. If a physical inspection is required, the property owner may request that an interior inspection be performed during the physical inspection. The owner shall have no less than thirty days to notify the assessor of a request for an interior physical inspection.

12. A physical inspection, as required by subsection 10 of this section, shall include, but not be limited to, an on-site personal observation and review of all exterior portions of the land and any buildings and improvements to which the inspector has or may reasonably and lawfully gain external access, and shall include an observation and review of the interior of any buildings or improvements on the property upon the timely request of the owner pursuant to subsection 11 of this section. Mere observation of the property via a drive-by inspection or the like shall not be considered sufficient to constitute a physical inspection as required by this section.

13. The provisions of subsections 11 and 12 of this section shall only apply in any county with a charter form of government with more than one million inhabitants.

14. A county or city collector may accept credit cards as proper form of payment of outstanding property tax or license due. No county or city collector may charge surcharge for payment by credit card which exceeds the fee or surcharge charged by the credit card bank, processor, or issuer for its service. A county or city collector may accept payment by electronic transfers of funds in payment of any tax or license and charge the person making such payment a fee equal to the fee charged the county by the bank, processor, or issuer of such electronic payment.

15. Any county or city not within a county in this state may, by an affirmative vote of the governing body of such county, opt out of the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of the general reassessment, prior to January first of any year. No county or city not within a county shall exercise this opt-out provision after implementing the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, in a year of general reassessment. For the purposes of applying the provisions of this subsection, a political subdivision contained within two or more counties where at least one of such counties has opted out and at least one of such counties has not opted out shall calculate a single tax rate as in effect prior to the enactment of house bill no. 1150 of the ninety-first general assembly, second regular session. A governing body of a city not within a county or a county that has opted out under the provisions of this subsection may choose to implement the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of general reassessment, by an affirmative vote of the governing body prior to December thirty-first of any year.

16. The governing body of any city of the third classification with more than twenty-six thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants located in any county that has exercised its authority to opt out under subsection 15 of this section may levy separate and differing tax rates for real and personal property only if such city bills and collects its own property taxes or satisfies the entire

cost of the billing and collection of such separate and differing tax rates. Such separate and differing rates shall not exceed such city's tax rate ceiling.

House Committee Substitute for Senate Bill No. 207, Page 16, Section 137.115, Line 172, by inserting after all of said line the following:

17. (1) As used in this subsection, the following terms mean:

(a) **"Disabled", totally and permanently disabled or blind and receiving federal Social Security disability benefits, federal supplemental security income benefits, veterans administration benefits, state blind pension under sections 209.010 to 209.160, state aid to blind persons under section 209.240, or state supplemental payments under section 208.030;**

(b) **"Maximum upper limit", in the calendar year 2012, the federal adjusted gross income sum of seventy-two thousand three hundred eighty dollars. In each successive calendar year this amount shall be raised by the incremental increase in the general price level, as defined under section 17, article X, of the Missouri Constitution;**

(c) **"Principal residence", real property owned and occupied by or held in trust for a qualified taxpayer, or owned and occupied jointly by or held in trust for any individuals, any of whom is a qualified taxpayer;**

(d) **"Qualified taxpayer", any individual who:**

a. Owns and occupies a principal residence;

b. Is sixty-five years of age or older, or is disabled;

c. Had a federal adjusted gross income not exceeding the maximum upper limit in the year before becoming qualified under this subsection.

(2) **Notwithstanding any other provision of law to the contrary, for all property assessments conducted after December 31, 2011, the assessed valuation of a principal residence shall not increase by a percentage greater than the cost-of-living increase in Social Security benefits in the previous year, except as otherwise provided in this subsection, in any assessment conducted after the qualified taxpayer has reached sixty-five years of age or has become disabled.**

(3) **This subsection shall not apply to any increase in the assessed valuation of a principal residence due to an improvement made on the principal residence, unless the improvement was made solely for increased accessibility for individuals with physical disabilities.**

(4) **This subsection shall not apply to any increase in the assessed valuation of a principal residence after the conveyance of the principal residence to another individual who is not a qualified taxpayer. The assessed valuation of such principal residence shall be the assessed valuation as provided in subsections 1 to 16 of this section in the next annual assessment.**

(5) **Upon reaching sixty-five years of age, information regarding the age and income of qualified taxpayers that own and occupy a principal residence in this state shall be provided to the county assessor by affidavit by the owner of the real property before the next assessment is conducted to be eligible for assessment under this subsection. Any qualified taxpayer who is disabled or becomes disabled before the next assessment is conducted shall provide by affidavit proof of disability to the county assessor to claim assessment under this subsection. All qualified taxpayers claiming assessment**

under this subsection shall annually file such affidavit before the next assessment is conducted to be eligible for assessment under this subsection. Such affidavit shall clearly contain an acceptable standard of proof to reasonably determine whether the person submitting the affidavit is a qualified taxpayer. The state tax commission shall develop and make available to assessors a form for such affidavit and a method for assessors to determine the proper percentage of increase for such property owned by a qualified taxpayer that files such affidavit.

(6) The state tax commission may promulgate rules to implement the provisions of this subsection. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.

(7) Under section 23.253 of the Missouri sunset act:

(a) The provisions of the new program authorized under this subsection shall automatically sunset on December thirty-first six years after the effective date of this subsection unless reauthorized by an act of the general assembly; and

(b) If such program is reauthorized, the program authorized under this subsection shall automatically sunset on December thirty-first twelve years after the effective date of the reauthorization of this subsection; and

(c) This subsection shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this subsection is sunset.” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 12

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 117, Page 20, Section 70.730, Line 52, by inserting after all of said section and line the following:

“71.220. 1. The various cities, towns and villages in this state, whether organized under special charter or under the general laws of the state, are hereby authorized and empowered to, by ordinance, cause all persons who have been convicted and sentenced by the court having jurisdiction, for violation of ordinance of such city, town or village, whether the punishment be by fine or imprisonment, or by both, to be put to work and perform labor on the public streets, highways and alleys or other public works or buildings of such city, town or village, for such purposes as such city, town or village may deem necessary. And the marshal, constable, street commissioner, or other proper officer of such city, town or village, shall have power and be authorized and required to have or cause all such prisoners as may be directed by the mayor, or other chief officer of such city, town or village, to work out the full number of days for which they may have been sentenced, at breaking rock, or at working upon such public streets, highways or alleys or other public works or buildings of such city, town or village as may have been designated. And if the punishment is by fine, and the fine be not paid, then for [every ten dollars of such judgment] **a portion of such judgment that is equal to the greater of the actual daily cost of incarcerating the prisoner or the amount the municipality is reimbursed by the state for incarcerating the prisoner**, the prisoner shall work one day.

And it shall be deemed a part of the judgment and sentence of the court that such prisoner may be worked as herein provided.

2. When a fine is assessed for violation of an ordinance, it shall be within the discretion of the judge, or other official, assessing the fine to provide for the payment of the fine on an installment basis under such terms and conditions as he may deem appropriate.”; and

Further amend said bill, Page 49, Section 447.708, Line 224 by inserting after all of said section and line the following:

“488.426. 1. The judges of the circuit court, en banc, in any circuit in this state may require any party filing a civil case in the circuit court, at the time of filing the suit, to deposit with the clerk of the court a surcharge in addition to all other deposits required by law or court rule. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or are to be paid by the county or state or any city.

2. The surcharge in effect on August 28, 2001, shall remain in effect until changed by the circuit court. The circuit court in any circuit, except the circuit court in Jackson County, may change the fee to any amount not to exceed fifteen dollars. The circuit court in Jackson County may change the fee to any amount not to exceed twenty dollars. A change in the fee shall become effective and remain in effect until further changed.

3. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or are paid by the county or state or any city.

4. In addition to any fee authorized by subsection 1 of this section, any county of the first classification with more than ninety-three thousand eight hundred but less than ninety-three thousand nine hundred inhabitants may impose an additional fee of ten dollars excluding cases concerning adoption and those in small claims court. The provisions of this subsection shall expire on December 31, 2014.

5. Any county of the first classification with more than two hundred forty thousand three hundred but fewer than two hundred forty thousand four hundred inhabitants may charge an additional five dollars if approved by the county commission.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 13

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 117, Page 2, Section 32.028, Line 16, by inserting after all of said section and line the following:

“32.029. 1. This section shall be known and may be cited as the “Paperless Documents and Forms Act”.

2. Beginning no later than January 1, 2012, the department of revenue shall, by January 1, 2018, develop and implement a method by which all documents and forms provided to the public by the department, as well as any records, reports, returns, or other documents required by the department, relating to taxes imposed under chapters 142, 143, 144, and 149, and fees imposed under sections 260.262 and 260.273, are available in an electronic format online and are capable of electronic submission to the department. This section shall not be construed to prohibit the submission of paper forms to the department or to require the department to allow electronic filing of a form that requires a notary or authorization by a third party in order to be effective, or when any other document

associated with the form, either expressly or by implication, requires a third party to notarize, authorize, or issue the document. Notwithstanding any other provision of law to the contrary, no electronic form shall be invalid solely because a paper version of the form has been incorporated or otherwise referenced in a rule.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 14

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 117, Page 51, Section 2, Line 58, by inserting after all of said section and line the following:

“[163.037. In any school year after the 2009-10 school year, if there is a twenty-five percent decrease in the statewide percentage of average daily attendance attributable to summer school compared to the percentage of average daily attendance attributable to summer school in the 2005-06 school year, then for the subsequent school year, weighted average daily attendance, as such term is defined in section 163.011, shall include the addition of the product of twenty-five hundredth times the average daily attendance for summer school.]” ; and

Further amend said bill, Page 51, Section B, Line 2, by inserting immediately after the word “revenue” the following:

“, and to provide adequate funding to school districts, the repeal of section 163.037, “; and

Further amend said bill, page, and section, Line 5, by inserting immediately after the first occurrence of the word “and” the following:

“the repeal of section 163.037,”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 15

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 117, Page 18, Section 67.1303, Line 124, by inserting after all of said line the following:

“67.4500. As used in sections 67.4500 to 67.4520, the following terms shall mean:

(1) “Authority”, any county drinking water supply lake authority created by sections 67.4500 to 67.4520;

(2) “Conservation storage level”, the target elevation established for a drinking water supply lake at the time of design and construction of such lake;

(3) “Costs”, the sum total of all reasonable or necessary expenses incidental to the acquisition, construction, expansion, repair, alteration, and improvement of the project, including without limitation the following: the expense of studies and surveys; the cost of all lands, properties, rights, easements, and franchises acquired; land title and mortgage guaranty policies; architectural and engineering services; legal, organizational marketing, or other special services; provisions for working capital; reserves for principal and interest; and all other necessary and incidental expenses, including interest during construction on bonds issued to finance the project and for a period subsequent to the estimated date of completion of the project;

(4) “Project”, recreation and tourist facilities and services, including, but not limited to, lakes,

parks, recreation centers, restaurants, hunting and fishing reserves, historic sites and attractions, and any other facilities that the authority may desire to undertake, including the related infrastructure buildings and the usual and convenient facilities appertaining to any undertakings, and any extensions or improvements of any facilities, and the acquisition of any property necessary therefore, all as may be related to the development of a water supply source, recreational and tourist accommodations, and facilities;

(5) “Water commission”, a water commission owning a reservoir formed under sections 393.700 to 393.770;

(6) “Watershed”, the area that contributes or may contribute to the surface water of any lake as determined by the authority.

67.4505. 1. Any county of the third classification with a township form of government and with more than seven thousand two hundred but fewer than seven thousand three hundred inhabitants or any county of the second classification with more than fifty-four thousand two hundred but fewer than fifty-four thousand three hundred inhabitants may establish a county drinking water supply lake authority, which shall be a body corporate and politic and a political subdivision of this state.

2. The authority may exercise the powers provided to it under section 67.4520 over the reservoir area encompassing any drinking water supply lake of one thousand five hundred acres or more, as measured at its conservation storage level, and within the lake’s watershed.

3. It shall be the purpose of each authority to promote the general welfare and a safe drinking water supply through the construction, operation, and maintenance of a drinking water supply lake.

4. The income of the authority and all property at any time owned by the authority shall be exempt from all taxation or any assessments whatsoever to the state or of any political subdivision, municipality, or other governmental agency thereof.

5. No county in which an authority is organized shall be held liable in connection with the construction, operation, or maintenance of any project or program undertaken under sections 67.4500 to 67.4520, including any actions taken by the authority in connection with such project or program.

67.4510. A county drinking water supply lake authority shall consist of at least six but not more than thirty members, appointed as follows:

(1) Members of the water commission shall appoint all members to the authority, one-third of the initial members for a six-year term, one-third for a four-year term, and the remaining one-third for a two-year term, until a successor is appointed; provided that, if there is an odd number of members, the last person appointed shall serve a two-year term. Upon the expiration of each term, a successor shall be appointed for a six-year term;

(2) No person shall be appointed to serve on the authority unless he or she is a registered voter in the state for more than five years, a resident in the county where the water commission is located for more than five years, and over the age of twenty-five years. If any member moves outside such county, the seat shall be deemed vacant and a new member shall be appointed by the county commission to complete the unexpired term.

67.4515. 1. The water commission shall by resolution establish a date and time for the initial meeting of the authority.

2. At the initial meeting, and annually thereafter, the authority shall elect one of its members as chairman and one as vice chairman, and appoint a secretary and a treasurer who may be a member of the authority. If not a member of the authority, the secretary or treasurer shall receive compensation that shall be fixed from time to time by action of the authority. The authority may appoint an executive director who shall not be a member of the authority and who shall serve at its pleasure. If an executive director is appointed, he or she shall receive such compensation as shall be fixed from time to time by action of the authority. The authority may designate the secretary to act in lieu of the executive director. The secretary shall keep a record of the proceedings of the authority and shall be the custodian of all books, documents, and papers filed with the authority, the minute books or journal thereof, and its official seal. The secretary may cause copies to be made of all minutes and other records and documents of the authority and may give certificates under the official seal of the authority to the effect that the copies are true and correct copies, and all persons dealing with the authority may rely on such certificates. The authority, by resolution duly adopted, shall fix the powers and duties of its executive director as it may from time to time deem proper and necessary.

3. Each member of the authority shall execute a surety bond in the penal sum of fifty thousand dollars or, in lieu thereof, the chairman of the authority shall execute a blanket bond covering each member and the employees or other officers of the authority, each surety bond to be conditioned upon the faithful performance of the duties of the office or offices covered, to be executed by a surety company authorized to transact business in the state as surety, and to be approved by the attorney general and filed in the office of the secretary of state. The cost of each such bond shall be paid by the authority.

4. No authority member shall participate in any deliberations or decisions concerning issues where the authority member has a direct financial interest in contracts, property, supplies, services, facilities, or equipment purchased, sold, or leased by the authority. Authority members shall additionally be subject to the limitations regarding the conduct of public officials as provided in chapter 105.

67.4520. 1. The authority may:

- (1) Acquire, own, construct, lease, and maintain recreational or water quality projects;
- (2) Acquire, own, lease, sell, or otherwise dispose of interests in and to real property and improvements situated thereon and in personal property necessary to fulfill the purposes of the authority;
- (3) Contract and be contracted with, and to sue and be sued;
- (4) Accept gifts, grants, loans, or contributions from the federal government, the state of Missouri, political subdivisions, municipalities, foundations, other public or private agencies, individuals, partnerships, or corporations;
- (5) Employ such managerial, engineering, legal, technical, clerical, accounting, advertising, stenographic, and other assistance as it may deem advisable. The authority may also contract with independent contractors for any of the foregoing assistance;
- (6) Disburse funds for its lawful activities and fix salaries and wages of its employees;
- (7) Fix rates, fees, and charges for the use of any projects and property owned, leased, operated,

or managed by the authority;

(8) Adopt, alter, or repeal its own bylaws, rules, and regulations governing the manner in which its business may be transacted; however, said bylaws, rules, and regulations shall not exceed the powers granted to the authority by sections 67.4500 to 67.4520;

(9) Either jointly with a similar body, or separately, recommend to the proper departments of the government of the United States, or any state or subdivision thereof, or to any other body, the carrying out of any public improvement;

(10) Provide for membership in any official, industrial, commercial, or trade association, or any other organization concerned with such purposes, for receptions of officials or others as may contribute to the advancement of the authority and development therein, and for such other public relations activities as will promote the same, and such activities shall be considered a public purpose;

(11) Cooperate with municipalities and other political subdivisions as provided in chapter 70;

(12) Enter into any agreement with any other state, agency, authority, commission, municipality, person, corporation, or the United States, to effect any of the provisions contained in sections 67.4500 to 67.4520;

(13) Sell and supply water and construct, own, and operate infrastructure projects in areas within its jurisdiction, including but not limited to roads, bridges, water and sewer systems, and other infrastructure improvements;

(14) Issue revenue bonds in the same manner as provided under section 67.789; and

(15) Adopt tax increment financing within its boundaries in the same manner as provided under section 67.790.

2. The state or any political subdivision or municipal corporation thereof may in its discretion, with or without consideration, transfer or cause to be transferred to the authority or may place in its possession or control, by deed, lease, or other contract or agreement, either for a limited period or in fee, any property wherever situated.

3. The state or any political subdivision may appropriate, allocate, and expend such funds of the state or political subdivision for the benefit of the authority as are reasonable and necessary to carry out the provisions of sections 67.4500 to 67.4520.

4. The authority shall have the authority to exercise all zoning and planning powers that are granted to cities, towns, and villages under chapter 89, except that the authority shall not exercise such powers inside the corporate limits of any city, town, or village which has adopted a city plan under the laws of this state before August 28, 2011.” ; and

Further amend said bill, Page 22, Section 105.716, Line 40, by inserting after all of said section and line the following:

“135.950. The following terms, whenever used in sections 135.950 to 135.970 mean:

(1) “Average wage”, the new payroll divided by the number of new jobs;

(2) “Blighted area”, an area which, by reason of the predominance of defective or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete

platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use. **The term “blighted area” shall also include any area which produces or generates or has the potential to produce or generate electrical energy from a renewable energy resource, and which, by reason of obsolescence, decadence, blight, dilapidation, deteriorating or inadequate site improvements, substandard conditions, the predominance or defective or inadequate street layout, unsanitary or unsafe conditions, improper subdivision or obsolete platting, or the existence of conditions which endanger the life or property by fire or other means, or any combination of such factors, is underutilized, unutilized, or diminishes the economic usefulness of the land, improvements, or lock and dam site within such area for the production, generation, conversion, and conveyance of electrical energy from a renewable energy resource;**

(3) “Board”, an enhanced enterprise zone board established pursuant to section 135.957;

(4) “Commencement of commercial operations” shall be deemed to occur during the first taxable year for which the new business facility is first put into use by the taxpayer in the enhanced business enterprise in which the taxpayer intends to use the new business facility;

(5) “County average wage”, the average wages in each county as determined by the department for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of determining eligibility. The department shall publish the county average wage for each county at least annually. Notwithstanding the provisions of this subdivision to the contrary, for any taxpayer that in conjunction with their project is relocating employees from a Missouri county with a higher county average wage, such taxpayer shall obtain the endorsement of the governing body of the community from which jobs are being relocated or the county average wage for their project shall be the county average wage for the county from which the employees are being relocated;

(6) “Department”, the department of economic development;

(7) “Director”, the director of the department of economic development;

(8) “Employee”, a person employed by the enhanced business enterprise that is scheduled to work an average of at least one thousand hours per year, and such person at all times has health insurance offered to him or her, which is partially paid for by the employer;

(9) “Enhanced business enterprise”, an industry or one of a cluster of industries that is either:

(a) Identified by the department as critical to the state’s economic security and growth; or

(b) Will have an impact on industry cluster development, as identified by the governing authority in its application for designation of an enhanced enterprise zone and approved by the department; but excluding gambling establishments (NAICS industry group 7132), retail trade (NAICS sectors 44 and 45), educational services (NAICS sector 61), religious organizations (NAICS industry group 8131), public administration (NAICS sector 92), and food and drinking places (NAICS subsector 722), however, notwithstanding provisions of this section to the contrary, headquarters or administrative offices of an otherwise excluded business may qualify for benefits if the offices serve a multistate territory. In the event a national, state, or regional headquarters operation is not the predominant activity of a project facility, the new jobs and investment of such headquarters operation is considered eligible for benefits under this section if the other

requirements are satisfied. Service industries may be eligible only if a majority of its annual revenues will be derived from out of the state;

(10) “Existing business facility”, any facility in this state which was employed by the taxpayer claiming the credit in the operation of an enhanced business enterprise immediately prior to an expansion, acquisition, addition, or replacement;

(11) “Facility”, any building used as an enhanced business enterprise located within an enhanced enterprise zone, including the land on which the facility is located and all machinery, equipment, and other real and depreciable tangible personal property acquired for use at and located at or within such facility and used in connection with the operation of such facility;

(12) “Facility base employment”, the greater of the number of employees located at the facility on the date of the notice of intent, or for the twelve-month period prior to the date of the notice of intent, the average number of employees located at the facility, or in the event the project facility has not been in operation for a full twelve-month period, the average number of employees for the number of months the facility has been in operation prior to the date of the notice of intent;

(13) “Facility base payroll”, the total amount of taxable wages paid by the enhanced business enterprise to employees of the enhanced business enterprise located at the facility in the twelve months prior to the notice of intent, not including the payroll of owners of the enhanced business enterprise unless the enhanced business enterprise is participating in an employee stock ownership plan. For the purposes of calculating the benefits under this program, the amount of base payroll shall increase each year based on the consumer price index or other comparable measure, as determined by the department;

(14) “Governing authority”, the body holding primary legislative authority over a county or incorporated municipality;

(15) “Megaproject”, any manufacturing or assembling facility, approved by the department for construction and operation within an enhanced enterprise zone, which satisfies the following:

(a) The new capital investment is projected to exceed three hundred million dollars over a period of eight years from the date of approval by the department;

(b) The number of new jobs is projected to exceed one thousand over a period of eight years beginning on the date of approval by the department;

(c) The average wage of new jobs to be created shall exceed the county average wage;

(d) The taxpayer shall offer health insurance to all new jobs and pay at least eighty percent of such insurance premiums; and

(e) An acceptable plan of repayment, to the state, of the tax credits provided for the megaproject has been provided by the taxpayer;

(16) “NAICS”, the 1997 edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget. Any NAICS sector, subsector, industry group or industry identified in this section shall include its corresponding classification in subsequent federal industry classification systems;

(17) “New business facility”, a facility that **does not produce or generate electrical energy from a renewable energy resource and** satisfies the following requirements:

(a) Such facility is employed by the taxpayer in the operation of an enhanced business enterprise. Such facility shall not be considered a new business facility in the hands of the taxpayer if the taxpayer's only activity with respect to such facility is to lease it to another person or persons. If the taxpayer employs only a portion of such facility in the operation of an enhanced business enterprise, and leases another portion of such facility to another person or persons or does not otherwise use such other portions in the operation of an enhanced business enterprise, the portion employed by the taxpayer in the operation of an enhanced business enterprise shall be considered a new business facility, if the requirements of paragraphs (b), (c), and (d) of this subdivision are satisfied;

(b) Such facility is acquired by, or leased to, the taxpayer after December 31, 2004. A facility shall be deemed to have been acquired by, or leased to, the taxpayer after December 31, 2004, if the transfer of title to the taxpayer, the transfer of possession pursuant to a binding contract to transfer title to the taxpayer, or the commencement of the term of the lease to the taxpayer occurs after December 31, 2004;

(c) If such facility was acquired by the taxpayer from another taxpayer and such facility was employed immediately prior to the acquisition by another taxpayer in the operation of an enhanced business enterprise, the operation of the same or a substantially similar enhanced business enterprise is not continued by the taxpayer at such facility; and

(d) Such facility is not a replacement business facility, as defined in subdivision (25) of this section;

(18) "New business facility employee", an employee of the taxpayer in the operation of a new business facility during the taxable year for which the credit allowed by section 135.967 is claimed, except that truck drivers and rail and barge vehicle operators and other operators of rolling stock for hire shall not constitute new business facility employees;

(19) "New business facility investment", the value of real and depreciable tangible personal property, acquired by the taxpayer as part of the new business facility, which is used by the taxpayer in the operation of the new business facility, during the taxable year for which the credit allowed by 135.967 is claimed, except that trucks, truck-trailers, truck semitrailers, rail vehicles, barge vehicles, aircraft and other rolling stock for hire, track, switches, barges, bridges, tunnels, and rail yards and spurs shall not constitute new business facility investments. The total value of such property during such taxable year shall be:

(a) Its original cost if owned by the taxpayer; or

(b) Eight times the net annual rental rate, if leased by the taxpayer. The net annual rental rate shall be the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals. The new business facility investment shall be determined by dividing by twelve the sum of the total value of such property on the last business day of each calendar month of the taxable year. If the new business facility is in operation for less than an entire taxable year, the new business facility investment shall be determined by dividing the sum of the total value of such property on the last business day of each full calendar month during the portion of such taxable year during which the new business facility was in operation by the number of full calendar months during such period;

(20) "New job", the number of employees located at the facility that exceeds the facility base employment less any decrease in the number of the employees at related facilities below the related facility base employment. No job that was created prior to the date of the notice of intent shall be deemed a new job;

(21) "Notice of intent", a form developed by the department which is completed by the enhanced

business enterprise and submitted to the department which states the enhanced business enterprise's intent to hire new jobs and request benefits under such program;

(22) "Related facility", a facility operated by the enhanced business enterprise or a related company in this state that is directly related to the operation of the project facility;

(23) "Related facility base employment", the greater of:

(a) The number of employees located at all related facilities on the date of the notice of intent; or

(b) For the twelve-month period prior to the date of the notice of intent, the average number of employees located at all related facilities of the enhanced business enterprise or a related company located in this state;

(24) "Related taxpayer":

(a) A corporation, partnership, trust, or association controlled by the taxpayer;

(b) An individual, corporation, partnership, trust, or association in control of the taxpayer; or

(c) A corporation, partnership, trust or association controlled by an individual, corporation, partnership, trust or association in control of the taxpayer. "Control of a corporation" shall mean ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote, "control of a partnership or association" shall mean ownership of at least fifty percent of the capital or profits interest in such partnership or association, and "control of a trust" shall mean ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such trust; ownership shall be determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended;

(25) **"Renewable energy generation zone", an area which has been found, by a resolution or ordinance adopted by the governing authority having jurisdiction of such area, to be a blighted area and which contains land, improvements, or a lock and dam site which is unutilized or underutilized for the production, generation, conversion, and conveyance of electrical energy from a renewable energy resource;**

(26) **"Renewable energy resource", shall include:**

(a) Wind;

(b) Solar thermal sources or photovoltaic cells and panels;

(c) Dedicated crops grown for energy production;

(d) Cellulosic agricultural residues;

(e) Plant residues;

(f) Methane from landfills, agricultural operations, or wastewater treatment;

(g) Thermal depolymerization or pyrolysis for converting waste material to energy;

(h) Clean and untreated wood such as pallets;

(i) Hydroelectric power, which shall include electrical energy produced or generated by hydroelectric power generating equipment, as such term is defined in section 137.010;

(j) Fuel cells using hydrogen produced by one or more of the renewable resources provided in paragraphs (a) to (i) of this subdivision; or

(k) Any other sources of energy, not including nuclear energy, that are certified as renewable by rule by the department of natural resources;

(27) “Replacement business facility”, a facility otherwise described in subdivision (17) of this section, hereafter referred to in this subdivision as “new facility”, which replaces another facility, hereafter referred to in this subdivision as “old facility”, located within the state, which the taxpayer or a related taxpayer previously operated but discontinued operating on or before the close of the first taxable year for which the credit allowed by this section is claimed. A new facility shall be deemed to replace an old facility if the following conditions are met:

(a) The old facility was operated by the taxpayer or a related taxpayer during the taxpayer’s or related taxpayer’s taxable period immediately preceding the taxable year in which commencement of commercial operations occurs at the new facility; and

(b) The old facility was employed by the taxpayer or a related taxpayer in the operation of an enhanced business enterprise and the taxpayer continues the operation of the same or substantially similar enhanced business enterprise at the new facility. Notwithstanding the preceding provisions of this subdivision, a facility shall not be considered a replacement business facility if the taxpayer’s new business facility investment, as computed in subdivision (19) of this section, in the new facility during the tax period for which the credits allowed in section 135.967 are claimed exceed one million dollars and if the total number of employees at the new facility exceeds the total number of employees at the old facility by at least two;

[(26)] (28) “Same or substantially similar enhanced business enterprise”, an enhanced business enterprise in which the nature of the products produced or sold, or activities conducted, are similar in character and use or are produced, sold, performed, or conducted in the same or similar manner as in another enhanced business enterprise.

135.953. 1. For purposes of sections 135.950 to 135.970, an area shall meet the following criteria in order to qualify as an enhanced enterprise zone:

(1) The area shall be a blighted area, have pervasive poverty, unemployment and general distress; and

(2) At least sixty percent of the residents living in the area have incomes below ninety percent of the median income of all residents:

(a) Within the state of Missouri, according to the last decennial census or other appropriate source as approved by the director; or

(b) Within the county or city not within a county in which the area is located, according to the last decennial census or other appropriate source as approved by the director; and

(3) The resident population of the area shall be at least five hundred but not more than one hundred thousand at the time of designation as an enhanced enterprise zone if the area lies within a metropolitan statistical area, as established by the United States Census Bureau, or if the area does not lie within a metropolitan statistical area, the resident population of the area at the time of designation shall be at least five hundred but not more than forty thousand inhabitants. If the population of the jurisdiction of the governing authority does not meet the minimum population requirements set forth in this subdivision, the population of the area must be at least fifty percent of the population of the jurisdiction. However, no

enhanced enterprise zone shall be created which consists of the total area within the political boundaries of a county; and

(4) The level of unemployment of persons, according to the most recent data available from the United States Bureau of Census and approved by the director, within the area is equal to or exceeds the average rate of unemployment for:

- (a) The state of Missouri over the previous twelve months; or
- (b) The county or city not within a county over the previous twelve months.

2. Notwithstanding the requirements of subsection 1 of this section to the contrary, an enhanced enterprise zone may be established in an area located within a county for which public and individual assistance has been requested by the governor pursuant to Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq., for an emergency proclaimed by the governor pursuant to section 44.100 due to a natural disaster of major proportions, if the area to be designated is blighted and sustained severe damage as a result of such natural disaster, as determined by the state emergency management agency. An application for designation as an enhanced enterprise zone pursuant to this subsection shall be made before the expiration of one year from the date the governor requested federal relief for the area sought to be designated.

3. Notwithstanding the requirements of subsection 1 of this section to the contrary, an enhanced enterprise zone may be designated in a county of declining population if it meets the requirements of subdivisions (1), (3) and either (2) or (4) of subsection 1 of this section. For the purposes of this subsection, a “county of declining population” is one that has lost one percent or more of its population as demonstrated by comparing the most recent decennial census population to the next most recent decennial census population for the county.

4. In addition to meeting the requirements of subsection 1, 2, or 3 of this section, an area, to qualify as an enhanced enterprise zone, shall be demonstrated by the governing authority to have either:

- (1) The potential to create sustainable jobs in a targeted industry; or
- (2) A demonstrated impact on local industry cluster development.

5. Notwithstanding the requirements of subsections 1 and 4 of this section to the contrary, a renewable energy generation zone may be designated as an enhanced enterprise zone if the renewable energy generation zone meets the criteria set forth in subdivision (25) of section 135.950.

135.963. 1. Improvements made to real property as such term is defined in section 137.010 which are made in an enhanced enterprise zone subsequent to the date such zone or expansion thereto was designated, may, upon approval of an authorizing resolution **or ordinance** by the governing authority having jurisdiction of the area in which the improvements are made, be exempt, in whole or in part, from assessment and payment of ad valorem taxes of one or more affected political subdivisions. **Improvements made to real property, as such term is defined in section 137.010, which are locally assessed and in a renewable energy generation zone designated as an enhanced enterprise zone, subsequent to the date such enhanced enterprise zone or expansion thereto was designated, may, upon approval of an authorizing resolution or ordinance by the governing authority having jurisdiction of the area in which the improvements are made, be exempt, in whole or in part, from assessment and payment of ad valorem taxes of one or more affected political subdivisions.** In addition to enhanced business

enterprises, a speculative industrial or warehouse building constructed by a public entity or a private entity if the land is leased by a public entity may be subject to such exemption.

2. Such authorizing resolution shall specify the percent of the exemption to be granted, the duration of the exemption to be granted, and the political subdivisions to which such exemption is to apply and any other terms, conditions, or stipulations otherwise required. A copy of the resolution shall be provided to the director within thirty calendar days following adoption of the resolution by the governing authority.

3. No exemption shall be granted until the governing authority holds a public hearing for the purpose of obtaining the opinions and suggestions of residents of political subdivisions to be affected by the exemption from property taxes. The governing authority shall send, by certified mail, a notice of such hearing to each political subdivision in the area to be affected and shall publish notice of such hearing in a newspaper of general circulation in the area to be affected by the exemption at least twenty days prior to the hearing but not more than thirty days prior to the hearing. Such notice shall state the time, location, date, and purpose of the hearing.

4. Notwithstanding subsection 1 of this section, at least one-half of the ad valorem taxes otherwise imposed on subsequent improvements to real property located in an enhanced enterprise zone of enhanced business enterprises or speculative industrial or warehouse buildings as indicated in subsection 1 of this section shall become and remain exempt from assessment and payment of ad valorem taxes of any political subdivision of this state or municipality thereof for a period of not less than ten years following the date such improvements were assessed, provided the improved properties are used for enhanced business enterprises. The exemption for speculative buildings is subject to the approval of the governing authority for a period not to exceed two years if the building is owned by a private entity and five years if the building is owned or ground leased by a public entity. This shall not preclude the building receiving an exemption for the remaining time period established by the governing authority if it was occupied by an enhanced business enterprise. The two- and five-year time periods indicated for speculative buildings shall not be an addition to the local abatement time period for such facility.

5. No exemption shall be granted for a period more than twenty-five years following the date on which the original enhanced enterprise zone was designated by the department.

6. The provisions of subsection 1 of this section shall not apply to improvements made to real property begun prior to August 28, 2004.

7. The abatement referred to in this section shall not relieve the assessor or other responsible official from ascertaining the amount of the equalized assessed value of all taxable property annually as required by section 99.855, 99.957, or 99.1042 and shall not have the effect of reducing the payments in lieu of taxes referred to in subdivision (2) of subsection 1 of section 99.845, subdivision (2) of subsection 3 of section 99.957, or subdivision (2) of subsection 3 of section 99.1042 unless such reduction is set forth in the plan approved by the governing body of the municipality pursuant to subdivision (1) of subsection 1 of section 99.820, section 99.942, or section 99.1027.

137.010. The following words, terms and phrases when used in laws governing taxation and revenue in the state of Missouri shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

(1) "Grain and other agricultural crops in an unmanufactured condition" shall mean grains and feeds including, but not limited to, soybeans, cow peas, wheat, corn, oats, barley, kafir, rye, flax, grain sorghums,

cotton, and such other products as are usually stored in grain and other elevators and on farms; but excluding such grains and other agricultural crops after being processed into products of such processing, when packaged or sacked. The term “processing” shall not include hulling, cleaning, drying, grating, or polishing;

(2) **“Hydroelectric power generating equipment”, very-low-head turbine generators with a nameplate generating capacity of at least four hundred kilowatts but not more than six hundred kilowatts and machinery and equipment used directly in the production, generation, conversion, storage, or conveyance of hydroelectric power to land-based devices and appurtenances used in the transmission of electrical energy;**

(3) “Intangible personal property”, for the purpose of taxation, shall include all property other than real property and tangible personal property, as defined by this section;

[(3)] (4) “Real property” includes land itself, whether laid out in town lots or otherwise, and all growing crops, buildings, structures, improvements and fixtures of whatever kind thereon, **hydroelectric power generating equipment**, the installed poles used in the transmission or reception of electrical energy, audio signals, video signals or similar purposes, provided the owner of such installed poles is also an owner of a fee simple interest, possessor of an easement, holder of a license or franchise, or is the beneficiary of a right-of-way dedicated for public utility purposes for the underlying land; attached wires, transformers, amplifiers, substations, and other such devices and appurtenances used in the transmission or reception of electrical energy, audio signals, video signals or similar purposes when owned by the owner of the installed poles, otherwise such items are considered personal property; and stationary property used for transportation of liquid and gaseous products, including, but not limited to, petroleum products, natural gas, water, and sewage;

[(4)] (5) “Tangible personal property” includes every tangible thing being the subject of ownership or part ownership whether animate or inanimate, other than money, and not forming part or parcel of real property as herein defined, but does not include household goods, furniture, wearing apparel and articles of personal use and adornment, as defined by the state tax commission, owned and used by a person in his home or dwelling place.

137.016. 1. As used in section 4(b) of article X of the Missouri Constitution, the following terms mean:

(1) “Agricultural and horticultural property”, all real property used for agricultural purposes and devoted primarily to the raising and harvesting of crops; to the feeding, breeding and management of livestock which shall include breeding, showing, and boarding of horses; to dairying, or to any other combination thereof; and buildings and structures customarily associated with farming, agricultural, and horticultural uses. Agricultural and horticultural property shall also include land devoted to and qualifying for payments or other compensation under a soil conservation or agricultural assistance program under an agreement with an agency of the federal government. Agricultural and horticultural property shall further include land and improvements, exclusive of structures, on privately owned airports that qualify as reliever airports under the Nation Plan of Integrated Airports System, to receive federal airport improvement project funds through the Federal Aviation Administration. Real property classified as forest croplands shall not be agricultural or horticultural property so long as it is classified as forest croplands and shall be taxed in accordance with the laws enacted to implement section 7 of article X of the Missouri Constitution. **Agricultural and horticultural property shall also include any sawmill or planing mill defined in the U.S. Department of Labor’s Standard Industrial Classification (SIC) Manual under Industry Group 242 with the SIC**

number 2421;

(2) “Residential property”, all real property improved by a structure which is used or intended to be used for residential living by human occupants, vacant land in connection with an airport, land used as a golf course, and manufactured home parks, but residential property shall not include other similar facilities used primarily for transient housing. For the purposes of this section, “transient housing” means all rooms available for rent or lease for which the receipts from the rent or lease of such rooms are subject to state sales tax pursuant to subdivision (6) of subsection 1 of section 144.020;

(3) “Utility, industrial, commercial, railroad and other real property”, all real property used directly or indirectly, for any commercial, mining, industrial, manufacturing, trade, professional, business, or similar purpose, including all property centrally assessed by the state tax commission but shall not include floating docks, portions of which are separately owned and the remainder of which is designated for common ownership and in which no one person or business entity owns more than five individual units. All other real property not included in the property listed in subclasses (1) and (2) of section 4(b) of article X of the Missouri Constitution, as such property is defined in this section, shall be deemed to be included in the term “utility, industrial, commercial, railroad and other real property”.

2. Pursuant to article X of the state constitution, any taxing district may adjust its operating levy to recoup any loss of property tax revenue, except revenues from the surtax imposed pursuant to article X, subsection 2 of section 6 of the constitution, as the result of changing the classification of structures intended to be used for residential living by human occupants which contain five or more dwelling units if such adjustment of the levy does not exceed the highest tax rate in effect subsequent to the 1980 tax year. For purposes of this section, loss in revenue shall include the difference between the revenue that would have been collected on such property under its classification prior to enactment of this section and the amount to be collected under its classification under this section. The county assessor of each county or city not within a county shall provide information to each taxing district within its boundaries regarding the difference in assessed valuation of such property as the result of such change in classification.

3. All reclassification of property as the result of changing the classification of structures intended to be used for residential living by human occupants which contain five or more dwelling units shall apply to assessments made after December 31, 1994.

4. Where real property is used or held for use for more than one purpose and such uses result in different classifications, the county assessor shall allocate to each classification the percentage of the true value in money of the property devoted to each use; except that, where agricultural and horticultural property, as defined in this section, also contains a dwelling unit or units, the farm dwelling, appurtenant residential-related structures and up to five acres immediately surrounding such farm dwelling shall be residential property, as defined in this section.

5. All real property which is vacant, unused, or held for future use; which is used for a private club, a not-for-profit or other nonexempt lodge, club, business, trade, service organization, or similar entity; or for which a determination as to its classification cannot be made under the definitions set out in subsection 1 of this section, shall be classified according to its immediate most suitable economic use, which use shall be determined after consideration of:

- (1) Immediate prior use, if any, of such property;
- (2) Location of such property;

(3) Zoning classification of such property; except that, such zoning classification shall not be considered conclusive if, upon consideration of all factors, it is determined that such zoning classification does not reflect the immediate most suitable economic use of the property;

(4) Other legal restrictions on the use of such property;

(5) Availability of water, electricity, gas, sewers, street lighting, and other public services for such property;

(6) Size of such property;

(7) Access of such property to public thoroughfares; and

(8) Any other factors relevant to a determination of the immediate most suitable economic use of such property.

6. All lands classified as forest croplands shall not, for taxation purposes, be classified as subclass (1), subclass (2), or subclass (3) real property, as such classes are prescribed in section 4(b) of article X of the Missouri Constitution and defined in this section, but shall be taxed in accordance with the laws enacted to implement section 7 of article X of the Missouri Constitution.

7. No property tax classification changes resulting from this section shall have the effect of eliminating employer obligations under chapter 287.” ; and

Further amend said bill, Page 40, Section 205.205, Line 67, by inserting after all of said section and line the following:

“226.224. Notwithstanding any provision of the law to the contrary, the state highways and transportation commission may enter into binding highway infrastructure improvement agreements to reimburse or repay, in an amount and in such terms agreed upon by the parties, any funds advanced by or for the benefit of a county, political subdivision, or private entity to expedite state road construction or improvement. Such highway infrastructure improvement agreements may provide for the assignment of the state highways and transportation commission’s reimbursement or repayment obligations in order to facilitate the funding of such improvements. The funds advanced by or for the benefit of the county, political subdivision, or private entity for the construction or improvement of state highway infrastructure shall be repaid by the state highways and transportation commission from funds from the state road fund in a manner, time period, and interest rate agreed to upon by the respective parties. The state highways and transportation commission may condition the reimbursement or repayment of such advanced funds upon projected highway revenues only if terms of the contract explicitly state such a condition. The contract shall further provide for a date or dates certain for repayment of funds and the commission may delay repayment of the advanced funds if highway revenues fall below the projections used to determine the repayment schedule, or if repayment would jeopardize the receipt of federal highway moneys, only if terms of the contract state such a condition and the contract provides for a date or dates certain for repayment of funds.”;
and

Further amend said bill, Page 49, Section 447.708, Line 224, by inserting after all of said section and line the following:

“620.2300. 1. As used in this section, the following terms shall mean;

(1) “Department”, the Missouri department of economic development;

(2) “Biomass facility”, a biomass renewable energy facility or biomass fuel production facility that will not be a major source for air quality permitting purposes;

(3) “Commission”, the Missouri public service commission;

(4) “County average wage”, the average wages in each county as determined by the department for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of determining eligibility. The department shall publish the county average wage for each county at least annually. Notwithstanding the provisions of this subdivision to the contrary, for any project that is relocating employees from a Missouri county with a higher county average wage, the company shall obtain the endorsement of the governing body of the community from which jobs are being relocated or the county average wage for their project shall be the county average wage for the county from which the employees are being relocated;

(5) “Full-time employee”, an employee of the project facility that is scheduled to work an average of at least thirty-five hours per week for a twelve-month period, and one for which the employer offers health insurance and pays at least fifty percent of such insurance premiums;

(6) “Major source”, the same meaning as is provided under 40 CFR 70.2;

(7) “New job”, the number of full-time employees located at the project facility that exceeds the project facility base employment less any decrease in the number of full-time employees at related facilities below the related facility base employment. An employee that spends less than fifty percent of the employee’s work time at the project facility is still considered to be located at a facility if the employee receives his or her directions and control from that facility, is on the facility’s payroll, one hundred percent of the employee’s income from such employment is Missouri income, and the employee is paid at or above the state average wage;

(8) “Park”, an area consisting of a parcel or tract of land, or any combination of parcels or contiguous land that meet all of the following requirements:

(a) The area consists of at least fifty contiguous acres;

(b) The property within the area is subject to remediation under a clean up program supervised by the Missouri department of natural resources or United States environmental protection agency;

(c) The area contains a manufacturing facility that is closed, undergoing closure, idle, underutilized, or curtailed and that at one time employed at least two hundred employees;

(d) The development plan for the area includes a biomass facility; and

(e) Property located within the area will be used for the development of renewable energy and the demonstration of industrial on-site energy generation;

(9) “Project”, a cleanfields renewable energy demonstration project located within a park that will result in the creation of at least fifty new jobs and the retention of at least fifty existing jobs;

(10) “Project application”, an application submitted to the department, by an owner of all or a portion of a park, on a form provided by the department, requesting benefits provided under this section;

(11) “Project facility”, a biomass facility at which the new jobs will be located. A project facility

may include separate buildings that are located within fifty miles of each other or within the same county such that their purpose and operations are interrelated;

(12) “Project facility base employment”, the greater of the number of full-time employees located at the project facility on the date of the project application or for the twelve-month period prior to the date of the project application, the average number of full-time employees located at the project facility. In the event the project facility has not been in operation for a full twelve-month period, the average number of full-time employees for the number of months the project facility has been in operation prior to the date of the project application.

2. The owner of a park seeking to establish a project shall submit a project application to the department for certification of such project. The department shall review all project applications received under this section and, in consultation with the department of natural resources, verify satisfaction of the requirements of this section. If the department approves a project application, the department shall forward such application and approval to the commission.

3. Notwithstanding provisions of section 393.1030 to the contrary, upon receipt of an application and approval from the department, the commission shall assign double credit to any electric power, renewable energy, renewable energy credits, or any successor credit generated from:

(1) Renewable energy resources purchased from the biomass facility located in the park by an electric power supplier;

(2) Electric power generated off-site by utilizing biomass fuel sold by the biomass facility located at the park; or

(3) Electric power generated off-site by renewable energy resources utilizing storage equipment manufactured at the park that increases the quantity of electricity delivered to the electric power supplier.” ; and

Further amend said bill, Page 51, Section B, Line 2, by inserting immediately after the word “revenue” the following:

“and because of the need to ensure the creation of jobs through the utilization of alternative energy sources” ; and

Further amend said bill, page and section, Lines 3 and 6 by deleting “and 205.205” and inserting in lieu thereof the following:

“, 205.205, and 620.2300” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 60**, as amended, and grants the Senate a conference thereon.

REFERRALS

President Pro Tem Mayer referred **HB 555**, with **SCS**, to the Committee on Ways and Means and Fiscal Oversight.

PRIVILEGED MOTIONS

Senator Engler moved that the Senate refuse to concur in **HCS No. 2** for **SCS** for **SB 117**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Schmitt moved that the Senate refuse to concur in **HA 1** and **HA 2** to **SS** for **SB 238** and request the House to recede from its position and take up and pass **SS** for **SB 238**, which motion prevailed.

Senator Munzlinger moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 356**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

**CONFERENCE COMMITTEE
APPOINTMENTS**

President Pro Tem Mayer appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 60**, as amended: Senators Keaveny, Justus, Rupp, Schaefer and Lamping.

HOUSE BILLS ON THIRD READING

HB 661, with **SCS**, introduced by Representative Wells, et al, entitled:

An Act to repeal sections 425.010, 425.020, 425.025, 425.027, and 425.040, RSMo, and to enact in lieu thereof six new sections relating to debt adjusters, with an existing penalty provision.

Was called from the Informal Calendar and taken up by Senator Lamping.

SCS for **HB 661**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 661**

An Act to repeal sections 425.010, 425.020, 425.025, 425.027, and 425.040, RSMo, and to enact in lieu thereof six new sections relating to debt adjusters, with an existing penalty provision.

Was taken up.

Senator Lamping moved that **SCS** for **HB 661** be adopted, which motion prevailed.

On motion of Senator Lamping, **SCS** for **HB 661** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Dixon Wasson—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Lamping, title to the bill was agreed to.

Senator Lamping moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

CONCURRENT RESOLUTIONS

Senator Lembke moved that **HCR 42** be taken up for adoption, which motion prevailed.

On motion of Senator Lembke, **HCR 42** was adopted by the following vote:

YEAS—Senators

Brown	Callahan	Crowell	Cunningham	Dempsey	Dixon	Engler	Goodman
Green	Kehoe	Kraus	Lager	Lamping	Lembke	Mayer	McKenna
Munzlinger	Nieves	Parson	Pearce	Purgason	Richard	Ridgeway	Rupp
Schaaf	Schaefer	Schmitt	Stouffer	Wasson—29			

NAYS—Senators

Chappelle-Nadal	Curls	Justus	Keaveny	Wright-Jones—5
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Kehoe moved that **HCR 32** be taken up for adoption, which motion prevailed.

Senator Kehoe offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Concurrent Resolution No. 32, as it appears on Page 1134 of the Senate Journal for Wednesday, April 27, 2011, Line 9 of said journal page, by inserting immediately after the word “Senate” as it appears the second time on said line, the following: “and the Minority Leader of the Senate”.

Senator Kehoe moved that the above amendment be adopted, which motion prevailed.

Senator Pearce assumed the Chair.

On motion of Senator Kehoe, **HCR 32**, as amended, was adopted by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Green	Richard—2
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Absent with leave—Senators—None

Vacancies—None

Senator Lembke moved that **HCS** for **HCR 39** be taken up for adoption, which motion prevailed.

On motion of Senator Lembke, **HCS** for **HCR 39** was adopted by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson
Wright-Jones—33							

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 17**, entitled:

An Act to amend chapter 191, RSMo, by adding thereto two new sections relating to cord blood banking.

With House Amendment Nos. 1, 2, 3, 4, 6, and 7.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 17, Page 2, Section 191.758, Line 7, by inserting after all of said line the following:

“191.1100. 1. Sections 191.1100 to 191.1112 shall be known and may be cited as the “Volunteer Health Services Act”.

2. As used in sections 191.1100 to 191.1112, the following terms shall mean:

(1) “Health care provider”, any physician, surgeon, dentist, nurse, optometrist, mental health professional, or other practitioner of a health care discipline, the professional practice of which requires licensure or certification under state law or under comparable laws of another state, territory, district, or possession of the United States;

(2) “Licensed health care provider”, any health care provider holding a current license or certificate issued under:

(a) Missouri state law;

(b) Comparable laws of another state, territory, district, or possession of the United States;

(3) “Regularly practice”, to practice more than sixty days within any ninety-day period;

(4) “Sponsoring organization”, any organization that organizes or arranges for the voluntary provision of health care services and registers with the department of health and senior services as a sponsoring organization in accordance with section 191.1106, and charges clients on a sliding scale based on income;

(5) “Voluntary provision of health care services”, the providing of professional health care services by a health care provider without charge to a recipient of the services or a third party.

191.1102. 1. Notwithstanding any provision of law to the contrary, no additional license or certificate otherwise required by state law is necessary for the voluntary provision of health care services by any person who:

(1) Is a licensed health care provider;

(2) Lawfully practices under an exception to the licensure or certification requirements of any state, territory, district, or possession of the United States; provided that the person does not and will not regularly practice in the state of Missouri.

2. The provisions of subsection 1 of this section shall not apply to:

(1) Any person whose license or certificate is suspended or revoked under disciplinary proceedings in any jurisdiction; or

(2) A licensed health care provider who renders services outside the scope of practice authorized by the provider’s licensure, certification, or exception to such licensure or certification.

191.1104. With regard to a person who voluntarily provides health care services and who is covered by the provisions of subsection 1 of section 191.1102, all requirements regarding display of a license or certificate shall be satisfied by the presentation for inspection, upon request, of a photocopy of the applicable license, certificate, or statement of exemption.

191.1106. 1. Before providing volunteer medical services in this state, a sponsoring organization shall register with the department of health and senior services by submitting a registration fee of fifty dollars and filing a registration form. The registration fee shall not apply to any sponsoring organization when providing volunteer health care services in cases of natural or manmade disasters.

Such registration form shall contain:

- (1) The name of the sponsoring organization;
- (2) The name of the principal individual or individuals who are the officer's or organization's officials responsible for the operation of the sponsoring organization;
- (3) The address, including street, city, zip code, and county, of the sponsoring organization's principal office address and the same address information for each principal or official listed in subdivision (2) of this subsection;
- (4) Telephone numbers for the principal office of the sponsoring agency and each principal or official listed in subdivision (2) of this subsection; and
- (5) Such additional information as the department shall require.

Upon any change in the information required under this subsection, the sponsoring organization shall notify the department in writing of such change within thirty days of its occurrence.

2. The sponsoring organization shall file a quarterly voluntary services report with the department during the current quarter that lists all licensed health care providers who provided voluntary health care services during the preceding quarter. The sponsoring organization shall maintain on file for five years following the date of service additional information, including the date, place, and type of services provided.

3. Each sponsoring organization shall maintain a list of health care providers associated with its provision of voluntary health services. For each such health care provider, the organization shall maintain a copy of a current license, certificate, or statement of exemption from licensure or certification, or in the event that the health care provider is currently licensed in the state of Missouri, a copy of the health care provider's license verification obtained from a state-sponsored website, if available.

4. The sponsoring organization shall maintain such records for a period of at least five years following the provision of health care services and shall furnish such records upon request to any regulatory board of any healing arts profession established under state law.

5. Compliance with subsections 1 and 2 of this section shall be prima facie evidence that the sponsoring organization has exercised due care in its selection of health care providers.

6. The department may revoke the registration of any sponsoring organization that fails to comply with the requirements of this section.

191.1108. No contract of professional liability insurance covering a health care provider in this state, issued or renewed on or after August 28, 2011, shall exclude coverage to any provider who engages in the voluntary provision of health care services; provided that the sponsoring organization and the health care provider comply with the requirements of sections 191.1100 to 191.1112.

191.1110. 1. (1) No person who is licensed, certified, or authorized by the board of any of the professions of the healing arts and who engages in the voluntary provision of health care services within the limits of the person's license, certificate, or authorization to any patient of a sponsoring organization shall be liable for any civil damages for any act or omission resulting from the rendering of such services, unless the act or omission was the result of such person's gross negligence or willful

misconduct.

(2) The volunteer licensee who is providing free care shall not receive compensation of any type, directly or indirectly, or any benefits of any type whatsoever, or any consideration of any nature, from any person for the free care. Nor shall such service be a part of the provider's training or assignment.

(3) The volunteer licensee shall be acting within the scope of such license, certification, or authority.

(4) A health care licensee providing free health care shall not engage in activities at a clinic, or at the health care licensee's office, if the activities are performed on behalf of the sponsoring organization, unless such activities are authorized by the appropriate authorities to be performed at the clinic or office and the clinic or office is in compliance with all applicable regulations.

2. For purposes of this section, any commissioned or contract medical officer or dentist serving on active duty in the United States Armed Forces and assigned to duty as a practicing, commissioned, or contract medical officer or dentist at any military hospital or medical facility owned and operated by the United States government shall be deemed to be licensed.

191.1112. 1. For purposes of this section, the following terms shall mean:

(1) "Crisis intervention", a session at which crisis response services are rendered by a critical incident stress management team member or qualified mental health professional during or after a crisis or disaster;

(2) "Crisis response services", consultation, risk assessment, referral, and crisis intervention services provided by a critical incident stress management team or qualified mental health professional or paraprofessional trained within the Federal Emergency Management Agency (FEMA) Crisis Counseling Program or in psychological first aid to individuals affected by crisis or disaster;

(3) "Critical incident stress management team member" or "team member", an individual specially trained to provide crisis response services as a member of an organized community or local crisis response team that holds membership in a registered critical incident stress management team;

(4) "Registered team", a team formally registered with a recognized training agency. For purposes of this section, a recognized training agency shall include the International Critical Incident Stress Foundation, the National Organization for Victim Assistance, the National Red Cross, the Missouri department of mental health, and other such organizations;

(5) "Training session", a session providing crisis response training by a qualified trained trainer utilizing the standards established by the accrediting agencies set out in subdivision (4) of this subsection;

(6) "Volunteer", a person who serves and receives no remuneration for services except reimbursement for actual expenses.

2. (1) Any volunteer crisis response team member who participates in a crisis intervention shall not be liable in tort for any personal injuries or infliction of emotional distress of any participant to the crisis intervention that is caused by the act or omission of a crisis response team member during the course of a crisis intervention.

(2) Subdivision (1) of this subsection shall not apply unless the intervention or training is

conducted within generally accepted protocols of a registered team, as defined by a nationally recognized accrediting agency.

3. The tort immunity in subsection 2 of this section shall not apply if:

- (1) The team member acted with actual malice or willful intent to injure the subject;**
- (2) The team member acted outside the scope of assigned duties;**
- (3) The team member acted without team coordination and dispatch;**
- (4) The action involved the commission of a crime;**
- (5) The action involved sexual harassment, or sexual or physical abuse;**
- (6) The actions involved any form of moral turpitude or moral misconduct within the normally accepted community standards; or**
- (7) If damages resulted from gross negligence of the team member.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 17, Page 1, Section A, Line 2, by inserting after all of said line the following:

“170.310. 1. Each school district that operates a high school, and each charter school that contains grades 9 to 12, shall provide instruction in cardiopulmonary resuscitation. Instruction may be embedded in any health education course in grades 9 to 12.

2. Instruction shall include hands-on practicing and skills testing to support cognitive learning. Instruction shall be through a program developed by the American Heart Association or the American Red Cross, or through a nationally recognized program based on the most current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation.

3. The teacher of the health education course shall not be required to be a certified trainer of cardiopulmonary resuscitation if the instruction is not designed to result in certification of students. Instruction that is designed to result in certification being earned shall be required to be taught by an authorized cardiopulmonary instructor. Schools may develop agreements with any local chapter of a voluntary organization of first responders to provide the required hands-on practice and skills testing.

4. Instruction as required under this section shall become a requirement for high school graduation for students graduating in the 2014-2015 school year and subsequent school years.

5. The department of elementary and secondary education may promulgate rules to implement this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 17, Section 191.758, Page 2, Line 7, by inserting after all of said section and line the following:

“197.071. Any person aggrieved by an official action of the department of health and senior services affecting the licensed status of a person under the provisions of sections 197.010 to [197.120] **197.162**, including the refusal to grant, the grant, the revocation, the suspension, or the failure to renew a license, may seek a determination thereon by the administrative hearing commission pursuant to the provisions of section 621.045, and it shall not be a condition to such determination that the person aggrieved seek a reconsideration, a rehearing, or exhaust any other procedure within the department of health and senior services.

197.080. **1.** The department of health and senior services, with the advice of the state advisory council and pursuant to the provisions of this section and chapter 536, shall adopt, amend, promulgate and enforce such rules, regulations and standards with respect to all hospitals or different types of hospitals to be licensed hereunder as may be designed to further the accomplishment of the purposes of this law in promoting safe and adequate treatment of individuals in hospitals in the interest of public health, safety and welfare. No rule or portion of a rule promulgated under the authority of sections 197.010 to 197.280 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

2. The department shall review and revise its regulations governing hospital licensure and enforcement as to promote hospital and regulatory efficiencies and eliminate duplicative regulation and inspections by or on behalf of state and federal agencies. The hospital licensure regulations adopted under this section shall incorporate standards which shall include, but not be limited to, the following:

(1) Each citation or finding of a regulatory deficiency shall refer to the specific written and publicly available standard and associated written interpretative guidance that are the basis of the citation or finding;

(2) Subject to appropriations, the department shall ensure that its hospital licensure regulatory standards are consistent with and do not contradict the federal Centers for Medicare and Medicaid Services’ Conditions of Participation for hospitals and associated interpretive guidance;

(3) The department shall establish and publish a process and standards for complaint investigation, including but not limited to:

(a) A process and standards for determining which complaints warrant an onsite investigation based on a preliminary review of available information from the complainant and the hospital. The process and standards shall, at a minimum, provide for a departmental determination independent of any recommendation for investigation by or in consultation with the federal Centers for Medicare and Medicaid Services (CMS). For purposes of evaluating such process and standards, the number and nature of complaints filed and the recommended actions by the department and, as appropriate, CMS shall be disclosed upon request to hospitals, so long as the otherwise confidential identity of the complainant or the patient for whom the complaint was filed is not disclosed;

(b) The scope of a departmental investigation of a complaint shall be limited to the specific

regulatory standard or standards raised by the complaint, unless a threat of immediate jeopardy of safety is observed or identified during such investigation;

(c) A hospital shall be provided with a report of all complaints made against the hospital. Such report shall include the nature of the complaint, the date of the complaint, the department conclusions regarding the complaint, the number of investigators and days of investigation resulting from each complaint;

(4) Subject to appropriations, the department shall designate adequate and sufficient resources to the annual inspection of hospitals necessary for licensure, including but not limited to resources for consultation services and collaboration with hospital personnel to facilitate improvements;

(5) Hospitals and hospital personnel shall have the opportunity to participate in:

(a) Training sessions provided to state licensure surveyors, which shall be provided at least annually subject to appropriations. Hospitals and hospital personnel shall assume all costs associated with their participation in training sessions and use of curriculum materials; and

(b) Training of surveyors assigned to inspection of hospitals to the fullest extent possible, including the training of surveyors previously designated as a surveyor specific, which resulted in the exclusion of all hospital personnel from such training sessions;

(6) The regulations shall establish specific time lines for state hospital officials to provide responses to hospitals regarding the status and outcome of pending investigations and regulatory actions and questions about interpretations of regulations. Such time lines shall be identical to, to the extent practicable, to the time lines established for the federal hospital certification and enforcement system in CMS's State Operations Manual, as amended.

3. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.

197.100. 1. Any provision of chapter 198 and chapter 338 to the contrary notwithstanding, the department of health and senior services shall have sole authority, and responsibility for inspection and licensure of hospitals in this state including, but not limited to all parts, services, functions, support functions and activities which contribute directly or indirectly to patient care of any kind whatsoever. The department of health and senior services shall annually inspect each licensed hospital [and] **but shall accept in lieu of an annual inspection reports of hospital inspections from other governmental and recognized accrediting organizations as authorized by this section. Recognizing accrediting organizations shall be those that have deemed status conferred by the Centers for Medicare and Medicaid Services (CMS) to take the place of direct CMS oversight and enforcement. The department shall make any other inspections and investigations as it deems necessary for good cause shown; provided that, the scope of a departmental investigation of a complaint shall be limited to the specific regulatory standard or standards raised by the complaint, unless a documented threat of immediate jeopardy of safety is observed or identified during the investigation.** The department of health and senior

services shall accept reports of hospital inspections from governmental agencies and recognized accrediting organizations [in whole or in part] for licensure purposes if[:

(1) The inspection is comparable to an inspection performed by the department of health and senior services;

(2) The hospital meets minimum licensure standards; and

(3)] the **accreditation** inspection was conducted within [one year of the date of license renewal] **the term of accreditation authorized by the Centers for Medicare and Medicaid Services in granting deemed status to the recognized accrediting organization.** The department of health and senior services shall attempt to schedule inspections and evaluations required by this section so as not to cause a hospital to be subject to more than one inspection in any twelve-month period from the department of health and senior services or any agency or accreditation organization the reports of which are accepted for licensure purposes pursuant to this section, except for good cause shown.

2. Other provisions of law to the contrary notwithstanding, the department of health and senior services shall be the only state agency to determine life safety and building codes for hospitals defined or licensed pursuant to the provisions of this chapter, including but not limited to sprinkler systems, smoke detection devices and other fire safety related matters so long as any new standards shall apply only to new construction.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 17, Section A, Page 1, Line 2 by inserting after all of said section and line the following:

“191.334. 1. This section shall be known and may be cited as “Chloe’s Law”.

2. By January 1, 2012, the department of health and senior services shall, subject to appropriations, expand the newborn screening requirements in section 191.331 to include pulse oximetry screening prior to discharge of the newborn from the health care facility.

3. The department of health and senior services may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 17, Page 1, Section A, Line 2, by inserting after all of said line the following:

“167.194. 1. Beginning July 1, 2008, every child enrolling in kindergarten or first grade in a public elementary school in this state shall receive one comprehensive vision examination performed by a state

licensed optometrist or physician. Evidence of the examination shall be submitted to the school no later than January first of the first year in which the student is enrolled at the school, provided that the evidence submitted in no way violates any provisions of Public Law 104-191, 42 U.S.C. 201, et seq, Health Insurance Portability and Accountability Act of 1996.

2. The state board of education, in conjunction with the department of health and senior services, shall promulgate rules establishing the criteria for meeting the requirements of subsection 1 of this section, which may include, but are not limited to, forms or other proof of such examination, or other rules as are necessary for the enforcement of this section. The form or other proof of such examination shall include but not be limited to identifying the result of the examinations performed under subsection 4 of this section, the cost for the examination, the examiner's qualifications, and method of payment through either:

- (1) Insurance;
- (2) The state Medicaid program;
- (3) Complimentary; or
- (4) Other form of payment.

3. The department of elementary and secondary education, in conjunction with the department of health and senior services, shall compile and maintain a list of sources to which children who may need vision examinations or children who have been found to need further examination or vision correction may be referred for treatment on a free or reduced-cost basis. The sources may include individuals, and federal, state, local government, and private programs. The department of elementary and secondary education shall ensure that the superintendent of schools, the principal of each elementary school, the school nurse or other person responsible for school health services, and the parent organization for each district elementary school receives an updated copy of the list each year prior to school opening. Professional and service organizations concerned with vision health may assist in gathering and disseminating the information, at the direction of the department of elementary and secondary education.

4. For purposes of this section, the following comprehensive vision examinations shall include but not be limited to:

- (1) Complete case history;
- (2) Visual acuity at distance (aided and unaided);
- (3) External examination and internal examination (ophthalmoscopic examination);
- (4) Subjective refraction to best visual acuity.

5. Findings from the evidence of examination shall be provided to the department of health and senior services and kept by the optometrist or physician for a period of seven years.

6. In the event that a parent or legal guardian of a child subject to this section shall submit to the appropriate school administrator a written request that the child be excused from taking a vision examination as provided in this section, that child shall be so excused.

[7. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset on June 30, 2012, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset eight years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.]]"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 17, Section 191.758, Page 2, Line 7, by inserting after all of said section and line the following:

"197.705. **1. Except as otherwise provided in subsection 2 of this section**, all hospitals [and health care facilities,] **and ambulatory surgical centers as defined in sections 197.020 and [197.305] 197.500**, shall require all personnel providing services in such facilities to wear identification badges while acting within the scope of their employment. The identification badges of all personnel shall prominently display the licensure status of such personnel **and shall include the following:**

(1) **A recent photograph of the employee, the employee's first name, the employee's title, and the name of the health care facility or organization;**

(2) **The title of the employee shall be as large as possible in block type and shall occupy a tall strip as close as practicable to the top or bottom edge of the badge;**

(3) **Titles shall be as follows:**

(a) **A medical doctor as defined in section 334.021 shall have the title "Physician";**

(b) **Any nurse as defined in section 335.016 may have the title "Advanced Practice Registered Nurse", "Certified Nurse Midwife", "Certified Nurse Practitioner", "Certified Registered Nurse Anesthetist", "Licensed Practical Nurse", "Registered Nurse", or "Clinical Nurse Specialist" as applicable for such nurse's level of nursing, licensure, and certification; and**

(c) **All other titles shall be determined by rule by the department of health and senior services.**

Nothing in this section shall prohibit a health care provider from placing the provider's additional specialty or designation after the provider's name on the badge.

2. Personnel shall not be required to wear an identification badge while delivering direct care to a consumer if not clinically feasible.

3. The department of health and senior services may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.

4. Nothing in this section shall require the immediate replacement of identification badges worn by personnel currently employed on or before August 28, 2011. Such identification badges shall be

replaced within a reasonable time after August 28, 2011, such as at a regularly scheduled interval of reissuance; except that, all identification badges worn by personnel of hospitals and health care facilities shall comply with this section within ten years from August 28, 2011.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HCS** for **HB 430**, as amended and requests the Senate to recede from its position and failing to do so grant the House a conference thereon and the conferees be allowed to exceed the differences on Senate Amendment No. 10.

PRIVILEGED MOTIONS

Senator Stouffer moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HCS** for **HB 430**, as amended, and grant the House a conference thereon, which motion prevailed.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
May 11, 2011

TO THE SECRETARY OF THE SENATE
96TH GENERAL ASSEMBLY
FIRST REGULAR SESSION
STATE OF MISSOURI

Herewith I return to you House Committee Substitute for Senate Bill No. 187 entitled:

AN ACT

To repeal sections 67.402, 226.720, and 537.296, RSMo, and to enact in lieu thereof three new sections relating to nuisance actions, with penalty provisions.

On May 11, 2011, I approved said House Committee Substitute for Senate Bill No. 187.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mayer appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 430**, as amended: Senators Stouffer, Wasson, Richard, McKenna and Justus.

RESOLUTIONS

Senator Schmitt offered Senate Resolution No. 1087, regarding Deborah Holmes, which was adopted.

Senator Schmitt offered Senate Resolution No. 1088, regarding Christine Lindquist, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1089, regarding Tracy Loretta Mertens, St. Louis, which was adopted.

Senator Schaaf offered Senate Resolution No. 1090, regarding Alexander Robert “Alex” Valdivia, Kansas City, which was adopted.

Senator Schaaf offered Senate Resolution No. 1091, regarding Matthew Edward “Matt” Wagner, Kansas City, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Chappelle-Nadal introduced to the Senate, the Physician of the Day, Dr. Patrick D’Souza, M.D., St. Louis.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-EIGHTH DAY—THURSDAY, MAY 12, 2011

FORMAL CALENDAR

VETOED BILLS

SCS for SB 188-Lager, et al

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna (In Fiscal Oversight)

SB 204-Dempsey, et al (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 260-Wasson, with SCS
2. SB 425-Goodman, with SCS
3. SB 400-Kraus, with SCS
4. SB 392-Rupp, with SCS
5. SB 403-Nieves
6. SB 329-Nieves
7. SB 353-Engler

8. SJR 16-Goodman, with SCS
9. SB 391-Lager
10. SB 253-Callahan and Cunningham, with SCS
11. SB 223-Mayer
12. SB 119-Schaefer
13. SB 150-Munzlinger
14. SB 84-Wright-Jones

15. SB 45-Wright-Jones
 16. SB 14-Pearce, with SCS
 17. SB 281-Kraus

18. SB 399-Kraus
 19. SB 44-Wright-Jones

HOUSE BILLS ON THIRD READING

1. HB 139-Smith (150), et al (Cunningham)
 (In Fiscal Oversight)
 2. HCS for HB 366 (Richard)
 (In Fiscal Oversight)
 3. HCS for HBs 600, 337 & 413, with SCS
 (Goodman) (In Fiscal Oversight)
 4. HCS for HB 213 (Mayer)
 5. HCS for HBs 223 & 231 (Crowell)

6. HCS for HB 840 (Schmitt)
 (In Fiscal Oversight)
 7. HCS for HB 344, with SCS (Munzlinger)
 8. HCS for HB 552, with SCS (Engler)
 9. HCS for HB 473 (Stouffer)
 10. HB 708-Curtman, et al, with SCS
 11. HCS for HB 555, with SCS (Schmitt)
 (In Fiscal Oversight)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SS for SB 231-Lager

SENATE BILLS FOR PERFECTION

SBs 1 & 206-Ridgeway, with SCS & SA 1
 (pending)
 SBs 7, 5, 74 & 169-Goodman, with SCS
 SB 10-Rupp
 SB 23-Keaveny, with SCS & SS for SCS
 (pending)
 SB 25-Schaaf, with SCS & SS for SCS (pending)
 SB 28-Brown
 SB 37-Lembke, with SCS
 SB 52-Cunningham
 SB 72-Kraus, with SS (pending)
 SBs 88 & 82-Schaaf, with SCS & SA 1 (pending)
 SB 120-Stouffer, with SS (pending)
 SB 130-Rupp, with SCS & SS for SCS
 (pending)
 SB 155-Rupp, with SCS
 SB 175-Munzlinger, et al, with SA 1 (pending)
 SB 176-Munzlinger, et al

SBs 189, 217, 246, 252 & 79-Schmitt, with SCS
 SB 200-Crowell
 SB 203-Schmitt, et al, with SS (pending)
 SB 208-Lager
 SB 209-Lager
 SB 228-Pearce
 SB 242-Cunningham, with SCS & SS for SCS
 (pending)
 SB 247-Pearce, with SS (pending)
 SB 264-Rupp, with SCS
 SB 278-Munzlinger, et al
 SB 280-Purgason, et al, with SCS & SS for SCS
 (pending)
 SBs 291, 184 & 294-Pearce, with SCS & SA 4
 (pending)
 SB 299-Munzlinger, with SCS (pending)
 SB 326-Wasson
 SBs 369 & 370-Cunningham, with SCS

SB 390-Schmitt, et al
SBs 408 & 80-Crowell, with SCS
SB 420-Mayer, with SCS

SJR 11-Munzlinger, with SCS
SJR 15-Nieves, et al, with SS (pending)

HOUSE BILLS ON THIRD READING

HCS for HB 61
SS for HB 71-Nasheed, et al (Engler)
HCS for HB 111, with SCS (Goodman)
HCS for HBs 112 & 285, with SCS (Brown)
HCS for HB 143 (Goodman)
HB 167-Nolte, et al, with SCA 1 (pending)
(Nieves)
SS for SCS for HCS for HB 265 (Wasson)
(In Fiscal Oversight)
HCS for HB 336 (Schmitt)
HB 361-Leara (Cunningham)
HB 402-Diehl and Korman (Wasson)
SCS for HCS for HB 412 (Wasson)
(In Fiscal Oversight)
HB 442-Franz, with SA 2 (pending) (Parson)
HB 462-Pollock, with SCS (Lager)
HCS for HB 464, with SCS & SA 2 (pending)
(Wasson)
HB 484-Faith (Stouffer)

HCS for HB 506, with SCS (Lembke)
HCS for HB 523, with SCS (Pearce)
HB 525-Molendorp (Rupp)
HCS for HB 545, with SCS & SS for SCS
(pending) (Schaaf)
HCS for HB 556
HCS for HB 562, with SCS & SA 2
(pending)(Schmitt)
HCS#2 for HB 609, with SCS (pending)
(Wasson)
HB 667-Carter, et al (Wright-Jones)
SS for SCS for HCS for HB 697 (Dixon)
(In Fiscal Oversight)
HB 738-Nasheed, et al, with SCS (pending)
(Cunningham)
HCS for HJR 3 (Brown)
HJR 6-Cierpiot, et al (Cunningham)
HJR 29-Solon, et al, with SA 1 (pending)
(Munzlinger)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 17-Lembke, with HCS,
as amended
SS for SCS for SB 58-Stouffer and
Lembke, with HCS, as amended
SS for SCS for SB 70-Schaefer, with HA 1
& HA 2
SB 71-Parson, with HSA 1 for HA 1,
as amended & HA 2
SB 97-Engler, with HCS#2, as amended
SS for SCS for SB 132-Rupp, with HCS,
as amended

SCS for SB 162-Munzlinger, with HCS#2,
as amended
SS for SB 202-Crowell, with HCS, as amended
SCS for SB 219-Wasson, with HCS,
as amended
SS for SCS for SB 254-Stouffer, with HCS,
as amended
SCS for SB 323-Schaefer, with HA 1 & HA 3
SS for SCS for SB 351-Lamping, with HCS,
as amended
SS for SB 360-Lager, with HCS, as amended

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SS#2 for SCS for SB 8-Goodman, with HCS,
as amended
SCS for SB 29-Brown, with HCS, as amended
SB 59-Keaveny, with HCS, as amended
(Senate adopted CCR and passed CCS)
SCS for SB 60-Keaveny, with HCS,
as amended
SB 61-Keaveny, with HCS, as amended
SS for SB 135-Schaefer, with HCS, as amended
(Senate adopted CCR and passed CCS)
SB 145-Dempsey, with HCS, as amended
SB 173-Dixon and Kehoe, with HCS,
as amended
(Senate adopted CCR and passed CCS)
SS for SB 226-Engler, with HCS, as amended
(Senate adopted CCR and passed CCS)

SB 250-Kehoe, with HCS, as amended
SCS for SB 270-Kraus, with HCS, as amended
SB 282-Engler, with HCS, as amended
(Senate adopted CCR and passed CCS)
SB 284-Wasson, with HCS, as amended
SB 322-Schaefer, with HCS, as amended
HB 101-Loehner, with SCS, as amended
(Cunningham)
HCS for HBs 116 & 316, with SS for SCS,
as amended (Purgason)
HB 142-Gatschenberger, with SCS,
as amended (Dempsey)
HCS for HB 430, with SS for SCS,
as amended (Stouffer)
HB 737-Redmon and Shumake, with SCS
(Lager)

Requests to Recede or Grant Conference

SCS for SB 117-Engler, with HCS#2,
as amended
(Senate requests House
recede or grant conference)
SS for SB 238-Schmitt, with HA 1 & HA 2
(Senate requests House recede and
pass the bill)

SCS for SB 356-Munzlinger, with HCS,
as amended
(Senate requests House
recede or grant conference)

RESOLUTIONS

Reported from Committee

SR 179-Purgason
HCS for HCR 23 (Dixon)

HCR 37-Franklin, et al (Wright-Jones)

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-EIGHTH DAY—THURSDAY, MAY 12, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“My brothers and sisters, whenever you face trials of any kind, consider it nothing but joy, because you know that the testing of your faith produces endurance.” (James 1:2-3)

Lord God, knowing that when problems come into our lives, even here, it is part of the package that is life. So when they come, let us seek You and follow the path You have chosen, knowing that You will sustain us and not abandon us but be kept truly in Your heart. So grant us patience and strength and help us remain faithful. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Dempsey announced that photographers from Missouri News Horizon and KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Parson offered Senate Resolution No. 1092, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Melvin Tatum, Lincoln, which was adopted.

Senator Kehoe offered Senate Resolution No. 1093, regarding Jeni DeFeo, Jefferson City, which was adopted.

Senator Schmitt offered Senate Resolution No. 1094, regarding Adam Crews, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SCS** for **SB 60**, as amended. Representatives: Cox, Elmer, Barnes, Kelly (24) and Carlson.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SBs 26** and **106**.

With House Amendment Nos. 1, 2 and 3.

HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill Nos. 26 & 106, Page 1, Section A, Line 2, by inserting after all of said section and line, the following:

“72.401. 1. If a commission has been established pursuant to [section] **sections 72.400 to 72.423** in any county with a charter form of government where fifty or more cities, towns and villages have been established, any boundary change within the county shall proceed solely and exclusively in the manner provided for by sections 72.400 to 72.423, notwithstanding any statutory provisions to the contrary concerning such boundary changes.

2. In any county with a charter form of government where fifty or more cities, towns and villages have been established, if the governing body of such county has by ordinance established a boundary commission, as provided in sections 72.400 to 72.423, then boundary changes in such county shall proceed only as provided in sections 72.400 to 72.423.

3. The commission shall be composed of eleven members as provided in this subsection. No member, employee or contractor of the commission shall be an elective official, employee or contractor of the county or of any political subdivision within the county or of any organization representing political subdivisions or officers or employees of political subdivisions. Each of the appointing authorities described in subdivisions (1) to (3) of this subsection shall appoint persons who shall be residents of their respective locality so described. The appointing authority making the appointments shall be:

(1) The chief elected officials of all municipalities wholly within the county which have a population of more than twenty thousand persons, who shall name two members to the commission as prescribed in this subsection each of whom is a resident of a municipality within the county of more than twenty thousand persons;

(2) The chief elected officials of all municipalities wholly within the county which have a population

of twenty thousand or less but more than ten thousand persons, who shall name one member to the commission as prescribed in this subsection who is a resident of a municipality within the county with a population of twenty thousand or less but more than ten thousand persons;

(3) The chief elected officials of all municipalities wholly within the county which have a population of ten thousand persons or less, who shall name one member to the commission as prescribed in this subsection who is a resident of a municipality within the county with a population of ten thousand persons or less;

(4) An appointive body consisting of the director of the county department of planning, the president of the municipal league of the county, one additional person designated by the county executive, and one additional person named by the board of the municipal league of the county, which appointive body, acting by a majority of all of its members, shall name three members of the commission who are residents of the county; and

(5) The county executive of the county, who shall name four members of the commission, three of whom shall be from the unincorporated area of the county and one of whom shall be from the incorporated area of the county. The seat of a commissioner shall be automatically vacated when the commissioner changes his or her residence so as to no longer conform to the terms of the requirements of the commissioner's appointment. The commission shall promptly notify the appointing authority of such change of residence.

4. Upon the passage of an ordinance by the governing body of the county establishing a boundary commission, the governing body of the county shall, within ten days, send by United States mail written notice of the passage of the ordinance to the chief elected official of each municipality wholly or partly in the county.

5. Each of the appointing authorities described in subdivisions (1) to (4) of subsection 3 of this section shall meet within thirty days of the passage of the ordinance establishing the commission to compile its list of appointees. Each list shall be delivered to the county executive within forty-one days of the passage of such ordinance. The county executive shall appoint members within forty-five days of the passage of the ordinance. If a list is not submitted by the time specified, the county executive shall appoint the members using the criteria of subsection 3 of this section before the sixtieth day from the passage of the ordinance. At the first meeting of the commission appointed after the effective date of the ordinance, the commissioners shall choose by lot the length of their terms. Three shall serve for one year, two for two years, two for three years, two for four years, and two for five years. All succeeding commissioners shall serve for five years. Terms shall end on December thirty-first of the respective year. No commissioner shall serve more than two consecutive full terms. Full terms shall include any term longer than two years.

6. When a member's term expires, or if a member is for any reason unable to complete his term, the respective appointing authority shall appoint such member's successor. Each appointing authority shall act to ensure that each appointee is secured accurately and in a timely manner, when a member's term expires or as soon as possible when a member is unable to complete his term. A member whose term has expired shall continue to serve until his successor is appointed and qualified.

7. The commission, its employees and subcontractors shall be subject to the regulation of conflicts of interest as defined in sections 105.450 to [105.498] **105.496** and to the requirements for open meetings and records under chapter 610.

8. Notwithstanding any provisions of law to the contrary, any boundary adjustment approved by the residential property owners and the governing bodies of the affected municipalities or the county, if involved, shall not be subject to commission review. Such a boundary adjustment is not prohibited by the existence of an established unincorporated area.

9. Notwithstanding any provisions of law to the contrary, any voluntary annexation approved by ordinance of any municipality that is a service provider for both water and sewer service within the municipality shall be effective as provided in such annexation ordinance and shall not be subject to boundary commission review. Such an annexation is not prohibited by the existence of an established unincorporated area.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill Nos. 26 and 106, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

“136.055. 1. Any person who is selected or appointed by the state director of revenue as provided in subsection 2 of this section to act as an agent of the department of revenue, whose duties shall be the processing of motor vehicle title and registration transactions and the collection of sales and use taxes when required under sections 144.070 and 144.440, and who receives no salary from the department of revenue, shall be authorized to collect from the party requiring such services additional fees as compensation in full and for all services rendered on the following basis:

(1) For each motor vehicle or trailer registration issued, renewed or transferred--three dollars and fifty cents and seven dollars for those licenses sold or biennially renewed pursuant to section 301.147;

(2) For each application or transfer of title--two dollars and fifty cents;

(3) For each instruction permit, nondriver license, chauffeur’s, operator’s or driver’s license issued for a period of three years or less--two dollars and fifty cents and five dollars for licenses or instruction permits issued or renewed for a period exceeding three years;

(4) For each notice of lien processed--two dollars and fifty cents;

(5) No notary fee or other fee or additional charge shall be paid or collected except for electronic telephone transmission reception--two dollars.

2. The director of revenue shall award fee office contracts under this section through a competitive bidding process. The competitive bidding process shall give priority to organizations and entities that are exempt from taxation under Section 501(c)(3) or 501(c)(6) of the Internal Revenue Code of 1986, as amended, and political subdivisions, including but not limited to, municipalities, counties, and fire protection districts. The director of the department of revenue may promulgate rules and regulations necessary to carry out the provisions of this subsection. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this subsection shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

3. All fees collected by a tax-exempt organization may be retained and used by the organization.

4. All fees charged shall not exceed those in this section. The fees imposed by this section shall be collected by all permanent offices and all full-time or temporary offices maintained by the department of revenue.

5. Any person acting as agent of the department of revenue for the sale and issuance of registrations, licenses, and other documents related to motor vehicles shall have an insurable interest in all license plates, licenses, tabs, **window stickers**, forms and other documents held on behalf of the department.

6. The fees authorized by this section shall not be collected by motor vehicle dealers acting as agents of the department of revenue under section 32.095 or those motor vehicle dealers authorized to collect and remit sales tax under subsection 8 of section 144.070.

7. Notwithstanding any other provision of law to the contrary, the state auditor may audit all records maintained and established by the fee office in the same manner as the auditor may audit any agency of the state, and the department shall ensure that this audit requirement is a necessary condition for the award of all fee office contracts. No confidential records shall be divulged in such a way to reveal personally identifiable information.

301.032. 1. Notwithstanding the provisions of sections 301.030 and 301.035 to the contrary, the director of revenue shall establish a system of registration of all fleet vehicles owned or purchased by a fleet owner registered pursuant to this section. The director of revenue shall prescribe the forms for such fleet registration and the forms and procedures for the registration updates prescribed in this section. Any owner of ten or more motor vehicles which must be registered in accordance with this chapter may register as a fleet owner. All registered fleet owners may, at their option, register all motor vehicles included in the fleet on a calendar year or biennial basis pursuant to this section in lieu of the registration periods provided in sections 301.030, 301.035, and 301.147. The director shall issue an identification number to each registered owner of fleet vehicles.

2. All fleet vehicles included in the fleet of a registered fleet owner shall be registered during April each year or on a prorated basis as provided in subsection 3 of this section. Fees of all vehicles in the fleet to be registered on a calendar year basis or on a biennial basis shall be payable not later than the last day of April of each year, with two years' fees due for biennially-registered vehicles. Notwithstanding the provisions of section 307.355, an application for registration of a fleet vehicle must be accompanied by a certificate of inspection and approval issued no more than one hundred twenty days prior to the date of application. The fees for vehicles added to the fleet which must be licensed at the time of registration shall be payable at the time of registration, except that when such vehicle is licensed between July first and September thirtieth the fee shall be three-fourths the annual fee, when licensed between October first and December thirty-first the fee shall be one-half the annual fee and when licensed on or after January first the fee shall be one-fourth the annual fee. When biennial registration is sought for vehicles added to a fleet, an additional year's annual fee will be added to the partial year's prorated fee.

3. At any time during the calendar year in which an owner of a fleet purchases or otherwise acquires a vehicle which is to be added to the fleet or transfers plates to a fleet vehicle, the owner shall present to the director of revenue the identification number as a fleet number and may register the vehicle for the partial year as provided in subsection 2 of this section. The fleet owner shall also be charged a transfer fee of two dollars for each vehicle so transferred pursuant to this subsection.

4. Except as specifically provided in this subsection, all fleet vehicles registered pursuant to this section shall be issued a special license plate which shall have the words "Fleet Vehicle" in place of the words "Show-Me State" in the manner prescribed by the advisory committee established in section 301.129. Alternatively, for a one-time additional five dollar per-vehicle fee beyond the regular registration fee, owners of fleet vehicles may apply for fleet license plates bearing a company name or logo. All fleet license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Fleet vehicles shall be issued multiyear license plates as provided in this section which shall not require issuance of a renewal tab **or window sticker**. Upon payment of appropriate registration fees, the director of revenue shall issue a registration certificate or other suitable evidence of payment of the annual or biennial fee, and such evidence of payment shall be carried at all times in the vehicle for which it is issued. The director of revenue shall promulgate rules and regulations establishing the procedure for application and issuance of fleet vehicle license plates.

5. Notwithstanding the provisions of sections 307.350 to 307.390 to the contrary, a fleet vehicle registered in Missouri is exempt from the requirements of sections 307.350 to 307.390, if at the time of the annual fleet registration, such fleet vehicle is situated outside the state of Missouri.

301.130. 1. The director of revenue, upon receipt of a proper application for registration, required fees and any other information which may be required by law, shall issue to the applicant a certificate of registration in such manner and form as the director of revenue may prescribe and a set of license plates, or other evidence of registration, as provided by this section. Each set of license plates shall bear the name or abbreviated name of this state, the words "SHOW-ME STATE", the month and year in which the registration shall expire, and an arrangement of numbers or letters, or both, as shall be assigned from year to year by the director of revenue. The plates shall also contain fully reflective material with a common color scheme and design for each type of license plate issued pursuant to this chapter. The plates shall be clearly visible at night, and shall be aesthetically attractive. Special plates for qualified disabled veterans will have the "DISABLED VETERAN" wording on the license plates in preference to the words "SHOW-ME STATE" and special plates for members of the national guard will have the "NATIONAL GUARD" wording in preference to the words "SHOW-ME STATE".

2. The arrangement of letters and numbers of license plates shall be uniform throughout each classification of registration. The director may provide for the arrangement of the numbers in groups or otherwise, and for other distinguishing marks on the plates.

3. All property-carrying commercial motor vehicles to be registered at a gross weight in excess of twelve thousand pounds, all passenger-carrying commercial motor vehicles, local transit buses, school buses, trailers, semitrailers, motorcycles, motortricycles, motorscooters and driveaway vehicles shall be registered with the director of revenue as provided for in subsection 3 of section 301.030, or with the state highways and transportation commission as otherwise provided in this chapter, but only one license plate shall be issued for each such vehicle.

4. The plates issued to manufacturers and dealers shall bear the letters and numbers as prescribed by section 301.560, and the director may place upon the plates other letters or marks to distinguish commercial motor vehicles and trailers and other types of motor vehicles.

5. No motor vehicle or trailer shall be operated on any highway of this state unless it shall have displayed thereon the license plate or set of license plates issued by the director of revenue or the state

highways and transportation commission and authorized by section 301.140. Each such plate shall be securely fastened to the motor vehicle or trailer in a manner so that all parts thereof shall be plainly visible and reasonably clean so that the reflective qualities thereof are not impaired. Each such plate may be encased in a transparent cover so long as the plate is plainly visible and its reflective qualities are not impaired. License plates shall be fastened to all motor vehicles except trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand pounds on the front and rear of such vehicles not less than eight nor more than forty-eight inches above the ground, with the letters and numbers thereon right side up. The license plates on trailers, motorcycles, motortricycles and motorscooters shall be displayed on the rear of such vehicles, with the letters and numbers thereon right side up. The license plate on buses, other than school buses, and on trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand pounds shall be displayed on the front of such vehicles not less than eight nor more than forty-eight inches above the ground, with the letters and numbers thereon right side up or if two plates are issued for the vehicle pursuant to subsection 3 of this section, displayed in the same manner on the front and rear of such vehicles. The license plate or plates authorized by section 301.140, when properly attached, shall be prima facie evidence that the required fees have been paid.

6. (1) **Beginning January 1, 2012**, the director of revenue shall issue annually or biennially a [tab or set of tabs] **window sticker, to be placed on the front windshield of the motor vehicle**, as provided by law as evidence of the annual payment of registration fees and the current registration of a vehicle in lieu of the set of plates. **Notwithstanding the provisions of this section, motorcycles and trailers shall be issued license plate tabs in lieu of window stickers.** Beginning January 1, 2010, the director may prescribe any additional information recorded on the tab or tabs **or window sticker** to ensure that the tab or tabs **or the window sticker** positively correlate with the license plate or plates issued by the department of revenue for such vehicle. Such tabs **or window stickers** shall be produced in each license bureau office.

(2) [The vehicle owner to whom a tab or set of tabs is issued shall affix and display such tab or tabs in the designated area of the license plate, no more than one per plate] **The window sticker shall be placed on the inside front window in an area prescribed by the director of revenue. Tabs issued to motorcycles and trailers shall be affixed and displayed in the designated area of the license plate.**

(3) A tab or [set of tabs] **window sticker** issued by the director of revenue when attached to a vehicle in the prescribed manner shall be prima facie evidence that the registration fee for such vehicle has been paid.

(4) Except as otherwise provided in this section, the director of revenue shall issue plates for a period of at least six years.

(5) For those commercial motor vehicles and trailers registered pursuant to section 301.041, the plate issued by the highways and transportation commission shall be a permanent nonexpiring license plate for which no tabs **or window sticker** shall be issued. Nothing in this section shall relieve the owner of any vehicle permanently registered pursuant to this section from the obligation to pay the annual registration fee due for the vehicle. The permanent nonexpiring license plate shall be returned to the highways and transportation commission upon the sale or disposal of the vehicle by the owner to whom the permanent nonexpiring license plate is issued, or the plate may be transferred to a replacement commercial motor vehicle when the owner files a supplemental application with the Missouri highways and transportation commission for the registration of such replacement commercial motor vehicle. Upon payment of the annual registration fee, the highways and transportation commission shall issue a certificate of registration or other

suitable evidence of payment of the annual fee, and such evidence of payment shall be carried at all times in the vehicle for which it is issued.

(6) Upon the sale or disposal of any vehicle permanently registered under this section, or upon the termination of a lease of any such vehicle, the permanent nonexpiring plate issued for such vehicle shall be returned to the highways and transportation commission and shall not be valid for operation of such vehicle, or the plate may be transferred to a replacement vehicle when the owner files a supplemental application with the Missouri highways and transportation commission for the registration of such replacement vehicle. If a vehicle which is permanently registered under this section is sold, wrecked or otherwise disposed of, or the lease terminated, the registrant shall be given credit for any unused portion of the annual registration fee when the vehicle is replaced by the purchase or lease of another vehicle during the registration year.

7. The director of revenue and the highways and transportation commission may prescribe rules and regulations for the effective administration of this section. [No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.] **Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.**

8. Notwithstanding the provisions of any other law to the contrary, owners of motor vehicles other than apportioned motor vehicles or commercial motor vehicles licensed in excess of eighteen thousand pounds gross weight may apply for special personalized license plates. Vehicles licensed for eighteen thousand pounds that display special personalized license plates shall be subject to the provisions of subsections 1 and 2 of section 301.030.

9. No later than January 1, 2009, the director of revenue shall commence the reissuance of new license plates of such design as directed by the director consistent with the terms, conditions, and provisions of this section and this chapter. Except as otherwise provided in this section, in addition to all other fees required by law, applicants for registration of vehicles with license plates that expire during the period of reissuance, applicants for registration of trailers or semitrailers with license plates that expire during the period of reissuance and applicants for registration of vehicles that are to be issued new license plates during the period of reissuance shall pay the cost of the plates required by this subsection. The additional cost prescribed in this subsection shall not be charged to persons receiving special license plates issued under section 301.073 or 301.443. Historic motor vehicle license plates registered pursuant to section 301.131 and specialized license plates are exempt from the provisions of this subsection. Except for new, replacement, and transfer applications, permanent nonexpiring license plates issued to commercial motor vehicles and trailers registered under section 301.041 are exempt from the provisions of this subsection.

301.140. 1. Upon the transfer of ownership of any motor vehicle or trailer, the certificate of registration and the right to use the number plates shall expire and the number plates **and window sticker** shall be removed by the owner at the time of the transfer of possession, and it shall be unlawful for any person other than the person to whom such number plates were originally issued to have the same in his or her possession whether in use or not, unless such possession is solely for charitable purposes; except that the buyer of a

motor vehicle or trailer who trades in a motor vehicle or trailer may attach the license plates from the traded-in motor vehicle or trailer to the newly purchased motor vehicle or trailer. The operation of a motor vehicle with such transferred plates shall be lawful for no more than thirty days. **A window sticker shall not be required during the thirty-day time frame.** As used in this subsection, the term “trade-in motor vehicle or trailer” shall include any single motor vehicle or trailer sold by the buyer of the newly purchased vehicle or trailer, as long as the license plates for the trade-in motor vehicle or trailer are still valid.

2. In the case of a transfer of ownership the original owner may register another motor vehicle under the same number, upon the payment of a fee of two dollars, **and payment of a fee as prescribed in section 301.300 for a replacement window sticker**, if the motor vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that originally registered. When such motor vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a greater fee is prescribed, applicant shall pay a transfer fee of two dollars, **the fee prescribed in section 301.300 for a replacement window sticker**, and a pro rata portion for the difference in fees. When such vehicle is of less horsepower, gross weight or (in case of a passenger-carrying commercial motor vehicle) seating capacity, for which a lesser fee is prescribed, applicant shall not be entitled to a refund.

3. License plates may be transferred from a motor vehicle which will no longer be operated to a newly purchased motor vehicle by the owner of such vehicles. The owner shall pay a transfer fee of two dollars, **and payment of a fee as prescribed in section 301.300 for a replacement window sticker**, if the newly purchased vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that of the vehicle which will no longer be operated. When the newly purchased motor vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a greater fee is prescribed, the applicant shall pay a transfer fee of two dollars, **the fee prescribed in section 301.300 for a replacement window sticker**, and a pro rata portion of the difference in fees. When the newly purchased vehicle is of less horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a lesser fee is prescribed, the applicant shall not be entitled to a refund.

4. Upon the sale of a motor vehicle or trailer by a dealer, a buyer who has made application for registration, by mail or otherwise, may operate the same for a period of thirty days after taking possession thereof, if during such period the motor vehicle or trailer shall have attached thereto, in the manner required by section 301.130, number plates issued to the dealer. Upon application and presentation of proof of financial responsibility as required under subsection 5 of this section and satisfactory evidence that the buyer has applied for registration, a dealer may furnish such number plates to the buyer for such temporary use. In such event, the dealer shall require the buyer to deposit the sum of ten dollars and fifty cents to be returned to the buyer upon return of the number plates as a guarantee that said buyer will return to the dealer such number plates within thirty days. The director shall issue a temporary permit authorizing the operation of a motor vehicle or trailer by a buyer for not more than thirty days of the date of purchase.

5. The temporary permit shall be made available by the director of revenue and may be purchased from the department of revenue upon proof of purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer and upon proof of financial responsibility, or from a dealer upon purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer. The director shall make temporary permits available to registered dealers in this state or authorized agents of the department of revenue in sets of ten permits. The fee for the temporary permit shall be seven dollars and

fifty cents for each permit or plate issued. No dealer or authorized agent shall charge more than seven dollars and fifty cents for each permit issued. The permit shall be valid for a period of thirty days from the date of purchase of a motor vehicle or trailer, or from the date of sale of the motor vehicle or trailer by a dealer for which the purchaser obtains a permit as set out above. No permit shall be issued for a vehicle under this section unless the buyer shows proof of financial responsibility.

6. The permit shall be issued on a form prescribed by the director and issued only for the applicant's use in the operation of the motor vehicle or trailer purchased to enable the applicant to legally operate the vehicle while proper title and registration plate are being obtained, and shall be displayed on no other vehicle. Temporary permits issued pursuant to this section shall not be transferable or renewable and shall not be valid upon issuance of proper registration plates for the motor vehicle or trailer. The director shall determine the size and numbering configuration, construction, and color of the permit.

7. The dealer or authorized agent shall insert the date of issuance and expiration date, year, make, and manufacturer's number of vehicle on the permit when issued to the buyer. The dealer shall also insert such dealer's number on the permit. Every dealer that issues a temporary permit shall keep, for inspection of proper officers, a correct record of each permit issued by recording the permit or plate number, buyer's name and address, year, make, manufacturer's vehicle identification number on which the permit is to be used, and the date of issuance.

8. Upon the transfer of ownership of any currently registered motor vehicle wherein the owner cannot transfer the license plates due to a change of vehicle category, the owner may surrender the license plates issued to the motor vehicle and receive credit for any unused portion of the original registration fee against the registration fee of another motor vehicle. Such credit shall be granted based upon the date the license plates are surrendered. No refunds shall be made on the unused portion of any license plates surrendered for such credit.

301.160. Upon approval of the application for registration of a motor vehicle or trailer and when the required fee has been paid to the department of revenue, the department shall forward or deliver to the applicant the registration receipt and the number of license plates prescribed for the vehicle or trailer by section 301.130, or renewal tabs **or window stickers** if appropriate. The attachment to the motor vehicle or trailer specified in the application of current license plates shall be prima facie evidence that the fees have been paid for such license.

301.290. 1. Correctional enterprises of the department of corrections shall purchase, erect and maintain all of the machinery and equipment necessary for the manufacture of the license plates [and], tabs, **and window stickers** issued by the director of revenue, and of signs used by the state transportation department. [Beginning on January 1, 2011, correctional enterprises shall no longer erect and maintain tabs for the department of revenue.]

2. The director of revenue shall procure all plates issued by [him] **the director**, and the state transportation department shall procure all signs used by it from correctional enterprises, unless an emergency arises and correctional enterprises cannot furnish the plates, tabs, **window stickers**, or signs.

3. Correctional enterprises shall furnish the plates and signs at such a price as will not exceed the price at which such plates and signs may be obtained upon the open market, but in no event shall such price be less than the cost of manufacture, including labor and materials.

4. All moneys derived from the sale of the plates, tabs, **window stickers**, and signs shall be paid into

the state treasury to the credit of the working capital revolving fund as provided in section 217.595.

301.300. 1. In event of the loss, theft, mutilation or destruction of any certificate of ownership, number plate, tab [or set of tabs] **or window sticker** issued by the director of revenue, the lawful holder thereof shall, within five days, file with the director of revenue, an affidavit showing such fact, and shall, on the payment of a fee of eight dollars and fifty cents, obtain a duplicate or replacement of such plate, certificate, tab [or set of tabs] **or window sticker**. Any duplicate certificate issued for any “motor vehicle primarily for business use”, as defined in section 301.010, shall be issued only to the owner of record.

2. Upon filing affidavit of lost, stolen, mutilated or destroyed certificate of registration, the director of revenue shall issue to the lawful owner a duplicate or replacement thereof upon payment of a fee of eight dollars and fifty cents.

3. Vehicle owners who elect not to transfer or renew multiyear plates shall be charged a fee equal to that charged for a lost plate in addition to the registration fee prescribed by law at the time the new plate or plates are issued.

4. Notwithstanding subsection 1 of this section, a new or used motor vehicle dealer may obtain a duplicate or replacement title in the owner’s name if the owner’s title has been lost, stolen, mutilated, or destroyed and is not available for assignment. In order to obtain the duplicate or replacement title from the department of revenue, the licensed dealer shall procure a power of attorney from the owner authorizing the dealer to obtain a duplicate or replacement title in the owner’s name and sign any title assignments on the owner’s behalf. The application to the department of revenue for the duplicate or replacement title shall be accompanied by the executed power of attorney, or a copy thereof, and the application shall contain the appropriate mailing address of the dealer. The director of the department of revenue is authorized to make all necessary rules and regulations for the administration of this subsection, and shall design all necessary forms required by this subsection. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.

301.301. 1. Any person replacing a stolen license plate tab **or window sticker** issued on or after January 1, 2009, may receive at no cost up to two [sets of two] license plate tabs **or window stickers** per year when the application for the replacement tab **or sticker** is accompanied with a police report that is corresponding with the stolen license plate tab **or window sticker**.

2. Any person replacing a stolen license plate tab issued prior to January 1, 2009, may receive at no cost up to two sets of two license plate tabs per year when the application for the replacement tab is accompanied with a notarized affidavit verifying that such license plate tab or tabs were stolen.

301.302. A citation shall not be issued to any person stopped by law enforcement for a missing license plate tab or [tabs] **window sticker** if such person indicates that the tab or [tabs have] **window sticker has** been stolen and a check on such person’s vehicle registration reveals that the vehicle is properly registered. A law enforcement officer may issue a warning under these circumstances. In the event a citation is improperly issued to a person for a missing [tabs] **tab or window sticker** when the requirements of this

section are met, any court costs shall be waived.”; and

Further amend said bill, Page 4, Section 301.4006, Line 54, by inserting after all of said section and line the following:

“Section B. Section A of this act shall become effective January 1, 2012.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill Nos. 26 & 106, Page 1, Section 301.477, Line 2, by inserting after the word “**badge**” the following:

“, **combat action ribbon, or combat action medal**”; and

Further amend said bill, Page and Section, Line 8, by inserting after the word “**badge**” the following:

“, **combat action ribbon, or combat action medal**”; and

Further amend said bill, Page and Section, Line 17, by inserting after the word “**badge**” the following:

“, **combat action ribbon, or combat action medal**”; and

Further amend said bill, Page 2, Section 301.477, Line 19 by deleting the word “**badge**”; and

Further amend said bill, Page and Section, Line 34, by inserting after the word “**badges**” the following:

“, **combat action ribbons, or combat action medals**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 36**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 356**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SCS** for **SB 356**, as amended. Representatives: Loehner, Schad, Wright, Holsman and Harris.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS No. 2** for **SCS** for **SB 117**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS No. 2** for **SCS** for **SB 117**, as amended. Representatives: Flanigan, Keeney, Fitzwater, Hummel and Kelly (24).

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mayer appointed the following conference committee to act with a like committee from the House on **HCS No. 2** for **SCS** for **SB 117**, as amended: Senators Engler, Crowell, Schmitt, Justus and Chappelle-Nadal.

President Pro Tem Mayer appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 356**, as amended: Senators Munzlinger, Parson, Brown, Callahan and Justus.

CONCURRENT RESOLUTIONS

HCR 37, entitled:

HOUSE CONCURRENT RESOLUTION NO. 37

Relating to the recognition of every third week in June as Diabetic Peripheral Neuropathy Week.

Was taken up by Senator Wright-Jones.

On motion of Senator Wright-Jones, **HCR 37** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The President declared the concurrent resolution passed.

On motion of Senator Wright-Jones, title to the concurrent resolution was agreed to.

Senator Wright-Jones moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Senator Pearce assumed the Chair.

Senator Dixon moved that **HCS** for **HCR 23** be taken up for adoption, which motion prevailed.

On motion of Senator Dixon, **HCS** for **HCR 23** was adopted by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	Lembke
Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Richard	Ridgeway
Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—31	

NAYS—Senator Goodman—1

Absent—Senator Purgason—1

Absent with leave—Senator Green—1

Vacancies—None

HOUSE BILLS ON THIRD READING

HB 484, introduced by Representative Faith, entitled:

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to the Missouri state transit assistance program.

Was called from the Informal Calendar and taken up by Senator Stouffer.

On motion of Senator Stouffer, **HB 484** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson
Wright-Jones—33							

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HB 667, introduced by Representative Carter, et al, entitled:

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the prostate cancer

pilot program.

Was called from the Informal Calendar and taken up by Senator Wright-Jones.

On motion of Senator Wright-Jones, **HB 667** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Wright-Jones, title to the bill was agreed to.

Senator Wright-Jones moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HCS for **HB 213** was placed on the Informal Calendar.

HCS for **HBs 223** and **231**, entitled:

An Act to repeal sections 335.036, 335.200, 335.203, 335.206, and 335.209, RSMo, and to enact in lieu thereof four new sections relating to higher education financial assistance programs.

Was taken up by Senator Crowell.

On motion of Senator Crowell, **HCS** for **HBs 223** and **231** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senator Schaaf—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Schaefer moved that **SS** for **SCS** for **SB 70**, with **HA 1** and **HA 2**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

Senator Schaefer moved that the above amendment be adopted.

At the request of Senator Schaefer, the motion to adopt **HA 1** was withdrawn.

Senator Schaefer moved that the Senate refuse to concur in **HA 1** and **HA 2** to **SS** for **SCS** for **SB 70** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 213**, entitled:

An Act to repeal sections 188.015, 188.029, and 188.030, RSMo, and to enact in lieu thereof two new sections relating to abortion, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Mayer.

Senator Mayer offered **SS** for **HCS** for **HB 213**, entitled:

SENATE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 213

An Act to repeal sections 188.015, 188.029, and 188.030, RSMo, and to enact in lieu thereof two new sections relating to abortion, with penalty provisions.

Senator Mayer moved that **SS** for **HCS** for **HB 213** be adopted, which motion prevailed.

On motion of Senator Mayer, **SS** for **HCS** for **HB 213** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Crowell	Cunningham	Dempsey	Dixon	Engler	Goodman
Kehoe	Kraus	Lager	Lamping	Lembke	Mayer	McKenna	Munzlinger
Nieves	Parson	Pearce	Purgason	Richard	Ridgeway	Rupp	Schaaf
Schaefer	Schmitt	Stouffer	Wasson—28				

NAYS—Senators

Chappelle-Nadal	Curls	Justus	Keaveny	Wright-Jones—5
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Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HCS for **HB 111**, with **SCS**, entitled:

An Act to repeal sections 11.010, 32.056, 211.031, 221.105, 301.146, 302.020, 302.321, 303.025, 311.325, 452.430, 455.040, 475.060, 475.061, 475.115, 475.375, 479.020, 488.432, 488.5026, 516.140, 537.528, 544.455, 544.470, 557.011, and 574.105, RSMo, and to enact in lieu thereof fifty-four new sections relating to the judiciary, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Goodman.

SCS for **HCS** for **HB 111**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 111

An Act to repeal sections 302.020, 302.321, 303.025, 311.325, 351.340, 475.060, 475.061, 475.115, 477.650, 484.350, 544.455, 544.470, 557.011, 566.086, 566.147, 568.040, 570.080, 578.150, and 589.040, RSMo, and to enact in lieu thereof forty-six new sections relating to the judiciary, with penalty provisions.

Was taken up.

Senator Goodman moved that **SCS** for **HCS** for **HB 111** be adopted.

Senator Goodman offered **SS** for **SCS** for **HCS** for **HB 111**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 111

An Act to repeal sections 302.020, 302.321, 303.025, 311.325, 351.340, 475.060, 475.061, 475.115, 477.650, 484.350, 544.455, 544.470, 557.011, 566.086, 566.147, 568.040, 570.080, 578.150, and 589.040, RSMo, and to enact in lieu thereof forty-six new sections relating to the judiciary, with penalty provisions.

Senator Goodman moved that **SS** for **SCS** for **HCS** for **HB 111** be adopted.

Senator Goodman offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 111, Page 44, Section 566.147, Line 24, by striking “, **which**” and inserting in lieu thereof the following: “**that**”.

Senator Goodman moved that the above amendment be adopted, which motion prevailed.

Senator McKenna offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 111, Page 9, Section 303.025, Line 1, by inserting after all of said line the following:

“304.820. 1. Except as otherwise provided in this section, no person [twenty-one years of age or younger] operating a moving motor vehicle upon the highways of this state shall, by means of a hand-held electronic wireless communications device, send, read, or write a text message or electronic message.

2. The provisions of subsection 1 of this section shall not apply to a person operating:

(1) An authorized emergency vehicle; or

(2) A moving motor vehicle while using a hand-held electronic wireless communications device to:

(a) Report illegal activity;

(b) Summon medical or other emergency help;

(c) Prevent injury to a person or property; or

(d) Relay information between a transit or for-hire operator and that operator’s dispatcher, in which the device is permanently affixed to the vehicle.

3. Nothing in this section shall be construed or interpreted as prohibiting a person from making or taking part in a telephone call, by means of a hand-held electronic wireless communications device, while operating a motor vehicle upon the highways of this state.

4. As used in this section, “electronic message” means a self-contained piece of digital communication that is designed or intended to be transmitted between hand-held electronic wireless communication devices. “Electronic message” includes, but is not limited to, electronic mail, a text message, an instant message, or a command or request to access an Internet site.

5. As used in this section, “hand-held electronic wireless communications device” includes any hand-held cellular phone, palm pilot, blackberry, or other mobile electronic device used to communicate verbally or by text or electronic messaging, but shall not apply to any device that is permanently embedded into the architecture and design of the motor vehicle.

6. As used in this section, “making or taking part in a telephone call” means listening to or engaging in verbal communication through a hand-held electronic wireless communication device.

7. As used in this section, “send, read, or write a text message or electronic message” means using a hand-held electronic wireless telecommunications device to manually communicate with any person by using an electronic message. Sending, reading, or writing a text message or electronic message does not include reading, selecting, or entering a phone number or name into a hand-held electronic wireless communications device for the purpose of making a telephone call.

8. A violation of this section shall be deemed an infraction and shall be deemed a moving violation for purposes of point assessment under section 302.302.

9. The state preempts the field of regulating the use of hand-held electronic wireless communications

devices in motor vehicles, and the provisions of this section shall supercede any local laws, ordinances, orders, rules, or regulations enacted by a county, municipality, or other political subdivision to regulate the use of hand-held electronic wireless communication devices by the operator of a motor vehicle.

10. The provisions of this section shall not apply to:

(1) The operator of a vehicle that is lawfully parked or stopped;

(2) Any of the following while in the performance of their official duties: a law enforcement officer; a member of a fire department; or the operator of a public or private ambulance;

(3) The use of factory-installed or aftermarket global positioning systems (GPS) or wireless communications devices used to transmit or receive data as part of a digital dispatch system;

(4) The use of voice-operated technology;

(5) The use of two-way radio transmitters or receivers by a licensee of the Federal Communications Commission in the Amateur Radio Service;

(6) A person using a hand-held mobile telephone in conjunction with a voice-operated or hands-free device. The term “voice-operated or hands-free device” shall mean a device that allows the user to write, send, or read a text message without the use of either hand except to activate or deactivate a feature or function.”; and

Further amend the title and enacting clause accordingly.

Senator McKenna moved that the above amendment be adopted.

Senator Schaaf raised the point of order that **SA 2** is out of order as it goes beyond the scope of the underlying bill.

The point of order was referred to the President Pro Tem who ruled it not well taken.

SA 2 was again taken up.

At the request of Senator McKenna, the above amendment was withdrawn.

Senator Stouffer assumed the Chair.

Senator Munzlinger offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 111, Page 1, Section A, Line 12 of said page, by inserting after all of said line the following:

“34.376. 1. Sections 34.376 to 34.380 may be known as the “Transparency in Private Attorney Contracts Act”.

2. As used in sections 34.376 to 34.380, the following terms shall mean:

(1) “Government attorney”, an attorney employed by the state as an assistant attorney general;

(2) “Private attorney”, any private attorney or law firm;

(3) “State”, the state of Missouri, in any action instituted by the attorney general pursuant to section 27.060.

34.378. 1. The state shall not enter into a contingency fee contract with a private attorney unless the attorney general makes a written determination prior to entering into such a contract that contingency fee representation is both cost-effective and in the public interest. Any written determination shall include specific findings for each of the following factors:

(1) Whether there exists sufficient and appropriate legal and financial resources within the attorney general's office to handle the matter;

(2) The time and labor required; the novelty, complexity, and difficulty of the questions involved; and the skill requisite to perform the attorney services properly;

(3) The geographic area where the attorney services are to be provided; and

(4) The amount of experience desired for the particular kind of attorney services to be provided and the nature of the private attorney's experience with similar issues or cases.

2. If the attorney general makes the determination described in subsection 1 of this section, the attorney general shall request written proposals from private attorneys to represent the state, unless the attorney general determines that requesting proposals is not feasible under the circumstances and sets forth the basis for this determination in writing. If a request for proposals is issued, the attorney general shall choose the lowest and best bid or request the office of administration establish an independent panel to evaluate the proposals and choose the lowest and best bid.

3. The state may not enter into a contingency fee contract that provides for the private attorney to receive an aggregate contingency fee in excess of twenty-five percent of the net recovery to the state.

4. The state shall not enter into a contract for contingency fee attorney services unless the following requirements are met throughout the contract period and any extensions to the contract:

(1) The government attorneys shall retain complete control over the course and conduct of the case;

(2) A government attorney with supervisory authority shall oversee the litigation;

(3) The government attorneys shall retain veto power over any decisions made by outside counsel;

(4) A government attorney with supervisory authority for the case shall attend all settlement conferences; and

(5) Decisions regarding settlement of the case shall be reserved exclusively to the discretion of the attorney general.

5. The attorney general shall develop a standard addendum to every contract for contingent fee attorney services that shall be used in all cases, describing in detail what is expected of both the contracted private attorney and the state, including, without limitation, the requirements listed in subsection 4 of this section.

6. Copies of any executed contingency fee contract and the attorney general's written determination to enter into a contingency fee contract with the private attorney shall be posted on the attorney general's website for public inspection within five business days after the date the contract is executed and shall remain posted on the website for the duration of the contingency fee contract, including any extensions or amendments to the contract. Any payment of contingency fees shall be posted on the attorney general's website within fifteen days after the payment of such contingency

fees to the private attorney and shall remain posted on the website for at least three hundred sixty-five days.

7. Any private attorney under contract to provide services to the state on a contingency fee basis shall, from the inception of the contract until at least four years after the contract expires or is terminated, maintain detailed current records, including documentation of all expenses, disbursements, charges, credits, underlying receipts and invoices, and other financial transactions that concern the provision of such attorney services. The private attorney shall maintain detailed contemporaneous time records for the attorneys and paralegals working on the matter in increments of no greater than one tenth of an hour and shall promptly provide these records to the attorney general, upon request. Any request under chapter 610 for inspection and copying of such records shall be served upon and responded to by the attorney general's office.

8. By February first of each year, the attorney general shall submit a report to the president pro tem of the senate and the speaker of the house of representatives describing the use of contingency fee contracts with private attorneys in the preceding calendar year. At a minimum, the report shall:

(1) Identify all new contingency fee contracts entered into during the year and all previously executed contingency fee contracts that remain current during any part of the year, and for each contract describe:

(a) The name of the private attorney with whom the department has contracted, including the name of the attorney's law firm;

(b) The nature and status of the legal matter;

(c) The name of the parties to the legal matter;

(d) The amount of any recovery; and

(e) The amount of any contingency fee paid.

(2) Include copies of any written determinations made under subsections 1 and 2 of this section.

34.380. Nothing in sections 34.376 to 34.380 shall be construed to expand the authority of any state agency or state agent to enter into contracts where no such authority previously existed.”; and

Further amend the title and enacting clause accordingly.

Senator Munzlinger moved that the above amendment be adopted, which motion prevailed.

Senator Munzlinger offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 111, Page 55, Section 632.312, Line 23 of said page, by inserting at the end of said line the following: **“Reimbursement from the state for actual costs, except for allowable mileage expenses, shall be subject to appropriations.”.**

Senator Munzlinger moved that the above amendment be adopted, which motion prevailed.

Senator Keaveny offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House

Bill No. 111, Page 37, Section 484.350, Line 7 of said page, by inserting after all of said line the following:

“523.040. 1. The court, or judge thereof in vacation, on being satisfied that due notice of the pendency of the petition has been given, shall appoint three disinterested commissioners, who shall be residents of the county in which the real estate or a part thereof is situated, **and in any city not within a county, any county with a charter form of government and with more than one million inhabitants, or any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants at least one of the commissioners shall be either a licensed real estate broker or a state-licensed or state-certified real estate appraiser**, to assess the damages which the owners may severally sustain by reason of such appropriation, who, within forty-five days after appointment by the court, which forty-five days may be extended by the court to a date certain with good cause shown, after applying the definition of fair market value contained in subdivision (1) of section 523.001, and after having viewed the property, shall return to the clerk of such court, under oath, their report in duplicate of such assessment of damages, setting forth the amount of damages allowed to the person or persons named as owning or claiming the tract of land condemned, and should more than one tract be condemned in the petition, then the damages allowed to the owner, owners, claimant or claimants of each tract, respectively, shall be stated separately, together with a specific description of the tracts for which such damages are assessed; and the clerk shall file one copy of said report in his office and record the same in the order book of the court, and he shall deliver the other copy, duly certified by him, to the recorder of deeds of the county where the land lies (or to the recorder of deeds of the city of St. Louis, if the land lies in said city) who shall record the same in his office, and index each tract separately as provided in section 59.440, and the fee for so recording shall be taxed by the clerk as costs in the proceedings; and thereupon such company shall pay to the clerk the amount thus assessed for the party in whose favor such damages have been assessed; and on making such payment it shall be lawful for such company to hold the interest in the property so appropriated for the uses prescribed in this section; and upon failure to pay the assessment, the court may, upon motion and notice by the party entitled to such damages, enforce the payment of the same by execution, unless the said company shall, within ten days from the return of such assessment, elect to abandon the proposed appropriation of any parcel of land, by an instrument in writing to that effect, to be filed with the clerk of the court, and entered on the minutes of the court, and as to so much as is thus abandoned, the assessment of damages shall be void.

2. Prior to the issuance of any report under subsection 1 of this section, a commissioner shall notify all parties named in the condemnation petition no less than ten days prior to the commissioners’ viewing of the property of the named parties’ opportunity to accompany the commissioners on the commissioners’ viewing of the property and of the named parties’ opportunity to present information to the commissioners.

3. The commissioners shall view the property, hear arguments, and review other relevant information that may be offered by the parties.”; and

Further amend the title and enacting clause accordingly.

Senator Keaveny moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Goodman, **HCS** for **HB 111**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HB 430**, as amended. Representatives: Burlison, Schoeller, Denison, Ellinger and Jones (63).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS**, as amended, for **HB 458** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 48**, entitled:

An Act to repeal sections 247.060, 250.236, 386.420, 386.490, 386.510, 386.515, 386.520, 386.530, 386.540, 393.015, 393.275, 393.1000, 393.1003, 414.530, 414.560, 414.570, and 660.122, RSMo, and to enact in lieu thereof eighteen new sections relating to utilities, with an emergency clause for certain sections.

With House Amendment Nos. 1, 2, 3, 4, 5 and 6.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 48, Page 19, Section 414.570, Line 36, by inserting after all of said line the following:

“620.2300. 1. As used in this section, the following terms shall mean;

(1) “Department”, the Missouri department of economic development;

(2) “Biomass facility”, a biomass renewable energy facility or biomass fuel production facility that will not be a major source for air quality permitting purposes;

(3) “Commission”, the Missouri public service commission;

(4) “County average wage”, the average wages in each county as determined by the department for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of determining eligibility. The department shall publish the county average wage for each county at least annually. Notwithstanding the provisions of this subdivision to the contrary, for any project that is relocating employees from a Missouri county with a higher county average wage, the company shall obtain the endorsement of the governing body of the community from which jobs are being relocated or the county average wage for their project shall be the county average wage for the county from which the employees are being relocated;

(5) “Full-time employee”, an employee of the project facility that is scheduled to work an average of at least thirty-five hours per week for a twelve-month period, and one for which the employer offers health insurance and pays at least fifty percent of such insurance premiums;

(6) “Major source”, the same meaning as is provided under 40 C.F.R. 70.2;

(7) “New job”, the number of full-time employees located at the project facility that exceeds the

project facility base employment less any decrease in the number of full-time employees at related facilities below the related facility base employment. An employee that spends less than fifty percent of the employee's work time at the project facility is still considered to be located at a facility if the employee receives his or her directions and control from that facility, is on the facility's payroll, one hundred percent of the employee's income from such employment is Missouri income, and the employee is paid at or above the state average wage;

(8) "Park", an area consisting of a parcel or tract of land, or any combination of parcels or contiguous land that meet all of the following requirements:

(a) The area consists of at least fifty contiguous acres;

(b) The property within the area is subject to remediation under a clean up program supervised by the Missouri department of natural resources or United States environmental protection agency;

(c) The area contains a manufacturing facility that is closed, undergoing closure, idle, underutilized, or curtailed and that at one time employed at least two hundred employees;

(d) The development plan for the area includes a biomass facility; and

(e) Property located within the area will be used for the development of renewable energy and the demonstration of industrial on-site energy generation;

(9) "Project", a clean fields renewable energy demonstration project located within a park that will result in the creation of at least fifty new jobs and the retention of at least fifty existing jobs;

(10) "Project application", an application submitted to the department, by an owner of all or a portion of a park, on a form provided by the department, requesting benefits provided under this section;

(11) "Project facility", a biomass facility at which the new jobs will be located. A project facility may include separate buildings that are located within fifty miles of each other or within the same county such that their purpose and operations are interrelated;

(12) "Project facility base employment", the greater of the number of full-time employees located at the project facility on the date of the project application or for the twelve-month period prior to the date of the project application, the average number of full-time employees located at the project facility. In the event the project facility has not been in operation for a full twelve-month period, the average number of full-time employees for the number of months the project facility has been in operation prior to the date of the project application.

2. The owner of a park seeking to establish a project shall submit a project application to the department for certification of such project. The department shall review all project applications received under this section and, in consultation with the department of natural resources, verify satisfaction of the requirements of this section. If the department approves a project application, the department shall forward such application and approval to the commission.

3. Notwithstanding provisions of section 393.1030 to the contrary, upon receipt of an application and approval from the department, the commission shall assign double credit to any electric power, renewable energy, renewable energy credits, or any successor credit generated from:

(1) Renewable energy resources purchased from the biomass facility located in the park by an

electric power supplier;

(2) Electric power generated off-site by utilizing biomass fuel sold by the biomass facility located at the park; or

(3) Electric power generated off-site by renewable energy resources utilizing storage equipment manufactured at the park that increases the quantity of electricity delivered to the electric power supplier.”; and

Further amend said bill, Page 20, Section B, Line 3, by inserting after the word “decisions” the following:

“and the need to ensure the creation of jobs through the utilization of alternative energy sources”; and

Further amend said bill, Page 20, Section B, Line 4, by inserting after the number “386.540” the following:

“and the enactment of section 620.2300”; and

Further amend said bill, Page 20, Section B, Line 7, by inserting after the number “386.540” the following:

“and the enactment of section 620.2300”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 48, Pages 14 - 15, Section 393.1000, Lines 1 - 47 by removing all of said Section and Lines from the bill; and

Further amend said bill, Pages 15 - 16, Section 393.1003, Lines 1 - 25 by removing all of said Section and Lines from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 48, Pages 1 - 3, Section 247.060, Lines 1 - 82, by removing all of said Section and Lines from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 48, Page 5, Section 386.420, Line 33, by adding the phrase “that is not classified as price-cap or competitive company” immediately following the words “public utility”; and

Further amend Section 386.520, Page 9, Line 57, by adding the phrase “for public utilities that are not classified as price-cap or competitive companies” immediately following the words “new rates or charges”.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 48, Page 1, In the Title, Line 4, by inserting after “RSMo,” the following: “section 565.082 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 62, ninety-fifth

general assembly, first regular session and section 565.082 as enacted by conference committee substitute for senate substitute for senate committee substitute for house bill no. 683, ninety-fifth general assembly, first regular session”; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after “RSMo,” the following: “section 565.082 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 62, ninety-fifth general assembly, first regular session and section 565.082 as enacted by conference committee substitute for senate substitute for senate committee substitute for house bill no. 683, ninety-fifth general assembly, first regular session”; and

Further amend said bill, Page 19, Section 414.570, Line 36, by inserting after all of said section and line, the following:

“565.081. 1. A person commits the crime of assault of a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker**, or probation and parole officer in the first degree if such person attempts to kill or knowingly causes or attempts to cause serious physical injury to a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker**, or probation and parole officer.

2. As used in this section, “emergency personnel” means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in subdivisions (15), (16), (17), and (18) of section 190.100.

3. As used in this section the term “corrections officer” includes any jailer or corrections officer of the state or any political subdivision of the state.

4. When used in this section, the terms “highway worker”, “construction zone”, or “work zone” shall have the same meaning as such terms are defined in section 304.580.

5. As used in this section, the term “utility worker” means any employee while in performance of their job duties, including any person employed under contract, of a utility that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned.

6. Assault of a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker, or probation and parole officer in the first degree is a class A felony.**

[565.082. 1. A person commits the crime of assault of a law enforcement officer, corrections officer, emergency personnel, or probation and parole officer in the second degree if such person:

(1) Knowingly causes or attempts to cause physical injury to a law enforcement officer, corrections officer, emergency personnel, or probation and parole officer by means of a deadly weapon or dangerous instrument;

(2) Knowingly causes or attempts to cause physical injury to a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, or probation and parole officer by means other than a deadly weapon or dangerous instrument;

(3) Recklessly causes serious physical injury to a law enforcement officer, corrections officer, emergency personnel, or probation and parole officer; or

(4) While in an intoxicated condition or under the influence of controlled substances or drugs, operates a motor vehicle or vessel in this state and when so operating, acts with criminal negligence to cause physical injury to a law enforcement officer, corrections officer, emergency personnel, or probation and parole officer;

(5) Acts with criminal negligence to cause physical injury to a law enforcement officer, corrections officer, emergency personnel, or probation and parole officer by means of a deadly weapon or dangerous instrument;

(6) Purposely or recklessly places a law enforcement officer, corrections officer, emergency personnel, or probation and parole officer in apprehension of immediate serious physical injury; or

(7) Acts with criminal negligence to create a substantial risk of death or serious physical injury to a law enforcement officer, corrections officer, emergency personnel, or probation and parole officer.

2. As used in this section, “emergency personnel” means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in subdivisions (15), (16), (17), and (18) of section 190.100.

3. As used in this section the term “corrections officer” includes any jailer or corrections officer of the state or any political subdivision of the state.

4. Assault of a law enforcement officer, corrections officer, emergency personnel, or probation and parole officer in the second degree is a class B felony unless committed pursuant to subdivision (2), (5), (6), or (7) of subsection 1 of this section in which case it is a class C felony.]

565.082. 1. A person commits the crime of assault of a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker**, or probation and parole officer in the second degree if such person:

(1) Knowingly causes or attempts to cause physical injury to a law enforcement officer, corrections officer, emergency personnel, **highway worker in a construction zone or work zone, utility worker**, or probation and parole officer by means of a deadly weapon or dangerous instrument;

(2) Knowingly causes or attempts to cause physical injury to a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker**, or probation and parole officer by means other than a deadly weapon or dangerous instrument;

(3) Recklessly causes serious physical injury to a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker**, or probation and parole officer; or

(4) While in an intoxicated condition or under the influence of controlled substances or drugs, operates a motor vehicle or vessel in this state and when so operating, acts with criminal negligence to cause physical injury to a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker**, or probation and parole officer;

(5) Acts with criminal negligence to cause physical injury to a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker**, or probation and parole officer by means of a deadly weapon or dangerous instrument;

(6) Purposely or recklessly places a law enforcement officer, corrections officer, emergency personnel,

highway worker in a construction zone or work zone, **utility worker**, or probation and parole officer in apprehension of immediate serious physical injury; or

(7) Acts with criminal negligence to create a substantial risk of death or serious physical injury to a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker**, or probation and parole officer.

2. As used in this section, “emergency personnel” means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in subdivisions (15), (16), (17), and (18) of section 190.100.

3. As used in this section the term “corrections officer” includes any jailer or corrections officer of the state or any political subdivision of the state.

4. When used in this section, the terms “highway worker”, “construction zone”, or “work zone” shall have the same meaning as such terms are defined in section 304.580.

5. As used in this section, the term “utility worker” means any employee while in performance of their job duties, including any person employed under contract, of a utility that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned.

6. Assault of a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker**, or probation and parole officer in the second degree is a class B felony unless committed pursuant to subdivision (2), (5), (6), or (7) of subsection 1 of this section in which case it is a class C felony. For any violation of subdivision (1), (3), or (4) of subsection 1 of this section, the defendant must serve mandatory jail time as part of his or her sentence.

565.083. 1. A person commits the crime of assault of a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker**, or probation and parole officer in the third degree if:

(1) Such person recklessly causes physical injury to a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker**, or probation and parole officer;

(2) Such person purposely places a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker**, or probation and parole officer in apprehension of immediate physical injury;

(3) Such person knowingly causes or attempts to cause physical contact with a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker**, or probation and parole officer without the consent of the law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker**, or probation and parole officer.

2. As used in this section, “emergency personnel” means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in subdivisions (15), (16), (17), and (18) of section 190.100.

3. As used in this section the term “corrections officer” includes any jailer or corrections officer of the state or any political subdivision of the state.

4. When used in this section, the terms “highway worker”, “construction zone”, or “work zone” shall have the same meaning as such terms are defined in section 304.580.

5. As used in this section, the term “utility worker” means any employee while in performance of their job duties, including any person employed under contract, of a utility that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned.

6. Assault of a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker**, or probation and parole officer in the third degree is a class A misdemeanor.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 48, Page 1, Section A, Line 6, by inserting after all of said line the following:

“72.401. 1. If a commission has been established pursuant to [section] **sections 72.400 to 72.423** in any county with a charter form of government where fifty or more cities, towns and villages have been established, any boundary change within the county shall proceed solely and exclusively in the manner provided for by sections 72.400 to 72.423, notwithstanding any statutory provisions to the contrary concerning such boundary changes.

2. In any county with a charter form of government where fifty or more cities, towns and villages have been established, if the governing body of such county has by ordinance established a boundary commission, as provided in sections 72.400 to 72.423, then boundary changes in such county shall proceed only as provided in sections 72.400 to 72.423.

3. The commission shall be composed of eleven members as provided in this subsection. No member, employee or contractor of the commission shall be an elective official, employee or contractor of the county or of any political subdivision within the county or of any organization representing political subdivisions or officers or employees of political subdivisions. Each of the appointing authorities described in subdivisions (1) to (3) of this subsection shall appoint persons who shall be residents of their respective locality so described. The appointing authority making the appointments shall be:

(1) The chief elected officials of all municipalities wholly within the county which have a population of more than twenty thousand persons, who shall name two members to the commission as prescribed in this subsection each of whom is a resident of a municipality within the county of more than twenty thousand persons;

(2) The chief elected officials of all municipalities wholly within the county which have a population of twenty thousand or less but more than ten thousand persons, who shall name one member to the commission as prescribed in this subsection who is a resident of a municipality within the county with a population of twenty thousand or less but more than ten thousand persons;

(3) The chief elected officials of all municipalities wholly within the county which have a population of ten thousand persons or less, who shall name one member to the commission as prescribed in this subsection who is a resident of a municipality within the county with a population of ten thousand persons or less;

(4) An appointive body consisting of the director of the county department of planning, the president of the municipal league of the county, one additional person designated by the county executive, and one additional person named by the board of the municipal league of the county, which appointive body, acting by a majority of all of its members, shall name three members of the commission who are residents of the county; and

(5) The county executive of the county, who shall name four members of the commission, three of whom shall be from the unincorporated area of the county and one of whom shall be from the incorporated area of the county. The seat of a commissioner shall be automatically vacated when the commissioner changes his or her residence so as to no longer conform to the terms of the requirements of the commissioner's appointment. The commission shall promptly notify the appointing authority of such change of residence.

4. Upon the passage of an ordinance by the governing body of the county establishing a boundary commission, the governing body of the county shall, within ten days, send by United States mail written notice of the passage of the ordinance to the chief elected official of each municipality wholly or partly in the county.

5. Each of the appointing authorities described in subdivisions (1) to (4) of subsection 3 of this section shall meet within thirty days of the passage of the ordinance establishing the commission to compile its list of appointees. Each list shall be delivered to the county executive within forty-one days of the passage of such ordinance. The county executive shall appoint members within forty-five days of the passage of the ordinance. If a list is not submitted by the time specified, the county executive shall appoint the members using the criteria of subsection 3 of this section before the sixtieth day from the passage of the ordinance. At the first meeting of the commission appointed after the effective date of the ordinance, the commissioners shall choose by lot the length of their terms. Three shall serve for one year, two for two years, two for three years, two for four years, and two for five years. All succeeding commissioners shall serve for five years. Terms shall end on December thirty-first of the respective year. No commissioner shall serve more than two consecutive full terms. Full terms shall include any term longer than two years.

6. When a member's term expires, or if a member is for any reason unable to complete his term, the respective appointing authority shall appoint such member's successor. Each appointing authority shall act to ensure that each appointee is secured accurately and in a timely manner, when a member's term expires or as soon as possible when a member is unable to complete his term. A member whose term has expired shall continue to serve until his successor is appointed and qualified.

7. The commission, its employees and subcontractors shall be subject to the regulation of conflicts of interest as defined in sections 105.450 to [105.498] **105.496** and to the requirements for open meetings and records under chapter 610.

8. Notwithstanding any provisions of law to the contrary, any boundary adjustment approved by the residential property owners and the governing bodies of the affected municipalities or the county, if involved, shall not be subject to commission review. Such a boundary adjustment is not prohibited by the existence of an established unincorporated area.

9. Notwithstanding any provisions of law to the contrary, any voluntary annexation approved by ordinance of any municipality that is a service provider for both water and sewer service within the municipality shall be effective as provided in such annexation ordinance and shall not be subject to boundary commission review. Such an annexation is not prohibited by the existence of an established

unincorporated area.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 77**, entitled:

An Act to repeal sections 226.520 and 227.410, RSMo, and to enact in lieu thereof six new sections relating to roadway signs.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 54**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 65**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **SS** for **SCS** for **SB 70**, as amended, and grants the Senate a conference thereon.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, which was read:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

May 12, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you for your advice and consent:

Thomas Springer, 49 Forest Glen, Kirkwood, Saint Louis County, Missouri 63122, as a member of the Missouri State Board of Accountancy, for a term ending January 1, 2013, and until his successor is duly appointed and qualified; vice, Sandra Thomas, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Mayer moved that the above appointment be returned to the Governor per his

request, which motion prevailed.

PRIVILEGED MOTIONS

Senator Wright-Jones moved that the Senate refuse to concur in **HCS** for **SB 48**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Brown moved that the Senate refuse to recede from its position on **SS** for **HB 458**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mayer appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **SB 70**, with **HA 1** and **HA 2**: Senators Schaefer, Brown, Richard, Keaveny and Green.

President Pro Tem Mayer appointed the following conference committee to act with a like committee from the House on **SS** for **HB 458**, as amended: Senators Brown, Munzlinger, Schaefer, Callahan and Justus.

On motion of Senator Dempsey, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Pearce.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 81**.

With House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2, as amended, and House Amendment No. 3.

HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 81, Page 1, Section A, Line 2 by inserting after said line the following:

“143.183. 1. As used in this section, the following terms mean:

(1) “Nonresident entertainer”, a person residing or registered as a corporation outside this state who, for compensation, performs any vocal, instrumental, musical, comedy, dramatic, dance or other performance in this state before a live audience and any other person traveling with and performing services on behalf of a nonresident entertainer, including a nonresident entertainer who is paid compensation for providing entertainment as an independent contractor, a partnership that is paid compensation for entertainment provided by nonresident entertainers, a corporation that is paid compensation for entertainment provided by nonresident entertainers, or any other entity that is paid compensation for entertainment provided by nonresident entertainers;

(2) “Nonresident member of a professional athletic team”, a professional athletic team member who

resides outside this state, including any active player, any player on the disabled list if such player is in uniform on the day of the game at the site of the game, and any other person traveling with and performing services on behalf of a professional athletic team;

(3) “Personal service income” includes exhibition and regular season salaries and wages, guaranteed payments, strike benefits, deferred payments, severance pay, bonuses, and any other type of compensation paid to the nonresident entertainer or nonresident member of a professional athletic team, but does not include prizes, bonuses or incentive money received from competition in a livestock, equine or rodeo performance, exhibition or show;

(4) “Professional athletic team” includes, but is not limited to, any professional baseball, basketball, football, soccer and hockey team.

2. Any person, venue, or entity who pays compensation to a nonresident entertainer shall deduct and withhold from such compensation as a prepayment of tax an amount equal to two percent of the total compensation if the amount of compensation is in excess of three hundred dollars paid to the nonresident entertainer.

3. Any person, venue, or entity required to deduct and withhold tax pursuant to subsection 2 of this section shall, for each calendar quarter, on or before the last day of the month following the close of such calendar quarter, remit the taxes withheld in such form or return as prescribed by the director of revenue and pay over to the director of revenue or to a depository designated by the director of revenue the taxes so required to be deducted and withheld.

4. Any person, venue, or entity subject to this section shall be considered an employer for purposes of section 143.191, and shall be subject to all penalties, interest, and additions to tax provided in this chapter for failure to comply with this section.

5. Notwithstanding other provisions of this chapter to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but none after December 31, 2015, shall annually estimate the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of sixteen years, sixty percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri arts council trust fund, and shall be transferred from the general revenue fund to the Missouri arts council trust fund established in section 185.100 and any amount transferred shall be in addition to such agency’s budget base for each fiscal year. The director shall by rule establish the method of determining the portion of personal service income of such persons that is allocable to Missouri.

6. Notwithstanding the provisions of sections 186.050 to 186.067 to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, 2015, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of sixteen years, ten percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri humanities council trust fund, and shall be transferred from the general revenue fund to the Missouri humanities council trust fund established in section 186.055 and any amount transferred shall be in addition to such agency’s budget base for each fiscal year.

7. Notwithstanding other provisions of section 182.812 to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, 2015, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of sixteen years, ten percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri state library networking fund, and shall be transferred from the general revenue fund to the secretary of state for distribution to public libraries for acquisition of library materials as established in section 182.812 and any amount transferred shall be in addition to such agency's budget base for each fiscal year.

8. Notwithstanding other provisions of section 185.200 to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, 2015, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of sixteen years, ten percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri public television broadcasting corporation special fund, and shall be transferred from the general revenue fund to the Missouri public television broadcasting corporation special fund, and any amount transferred shall be in addition to such agency's budget base for each fiscal year; provided, however, that twenty-five percent of such allocation shall be used for grants to public radio stations which were qualified by the corporation for public broadcasting as of November 1, 1996. Such grants shall be distributed to each of such public radio stations in this state after receipt of the station's certification of operating and programming expenses for the prior fiscal year. Certification shall consist of the most recent fiscal year financial statement submitted by a station to the corporation for public broadcasting. The grants shall be divided into two categories, an annual basic service grant and an operating grant. The basic service grant shall be equal to thirty-five percent of the total amount and shall be divided equally among the public radio stations receiving grants. The remaining amount shall be distributed as an operating grant to the stations on the basis of the proportion that the total operating expenses of the individual station in the prior fiscal year bears to the aggregate total of operating expenses for the same fiscal year for all Missouri public radio stations which are receiving grants.

9. Notwithstanding other provisions of section 253.402 to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, 2015, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of sixteen years, ten percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to [the Missouri department of natural resources Missouri historic preservation revolving fund, and shall be transferred from the general revenue fund to the Missouri department of natural resources Missouri historic preservation revolving fund established in section 253.402 and any amount transferred shall be in addition to such agency's budget base for each fiscal year] **historically black colleges and universities (HBCU), to be allocated based on the student enrollment in each university and to be used solely for youth sport safety in each university's athletic facility, including physical safety and therapy.** As authorized pursuant to subsection 2 of section 30.953, it is the intention and desire of the general assembly that the state treasurer convey, to the Missouri investment trust

on January 1, 1999, up to one hundred percent of the balances of the Missouri arts council trust fund established pursuant to section 185.100 and the Missouri humanities council trust fund established pursuant to section 186.055. The funds shall be reconveyed to the state treasurer by the investment trust as follows: the Missouri arts council trust fund, no earlier than January 2, 2009; and the Missouri humanities council trust fund, no earlier than January 2, 2009.

10. This section shall not be construed to apply to any person who makes a presentation for professional or technical education purposes or to apply to any presentation that is part of a seminar, conference, convention, school, or similar program format designed to provide professional or technical education.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to Senate Committee Substitute for Senate Bill No. 81, Page 1, Line 2 by inserting after all of said line the following:

“165.011. 1. The following funds are created for the accounting of all school moneys: teachers’ fund, incidental fund, capital projects fund and debt service fund. The treasurer of the school district shall open an account for each fund specified in this section, and all moneys received from the county school fund and all moneys derived from taxation for teachers’ wages shall be placed to the credit of the teachers’ fund. All tuition fees, state moneys received under section 163.031, and all other moneys received from the state except as herein provided shall be placed to the credit of the teachers’ and incidental funds at the discretion of the district board of education, except as provided in subsection 6 of section 163.031. Money received from other districts for transportation and money derived from taxation for incidental expenses shall be credited to the incidental fund. All money derived from taxation or received from any other source for the erection of buildings or additions thereto and the remodeling or reconstruction of buildings and the furnishing thereof, for the payment of lease-purchase obligations, for the purchase of real estate, or from sale of real estate, schoolhouses or other buildings of any kind, or school furniture, from insurance, from sale of bonds other than refunding bonds shall be placed to the credit of the capital projects fund. All moneys derived from the sale or lease of sites, buildings, facilities, furnishings, and equipment by a school district as authorized under section 177.088 shall be credited to the capital projects fund. Money derived from taxation for the retirement of bonds and the payment of interest thereon shall be credited to the debt service fund, which shall be maintained as a separate bank account. Receipts from delinquent taxes shall be allocated to the several funds on the same basis as receipts from current taxes, except that where the previous years’ obligations of the district would be affected by such distribution, the delinquent taxes shall be distributed according to the tax levies made for the years in which the obligations were incurred. All refunds received shall be placed to the credit of the fund from which the original expenditures were made. Money donated to the school districts shall be placed to the credit of the fund where it can be expended to meet the purpose for which it was donated and accepted. Money received from any other source whatsoever shall be placed to the credit of the fund or funds designated by the board.

2. The school board may transfer any portion of the unrestricted balance remaining in the incidental fund to the teachers’ fund. Any district that uses an incidental fund transfer to pay for more than twenty-five percent of the annual certificated compensation obligation of the district and has an incidental fund balance on June thirtieth in any year in excess of fifty percent of the combined incidental teachers’ fund

expenditures for the fiscal year just ended shall be required to transfer the excess from the incidental fund to the teachers' fund. If a balance remains in the debt service fund, after the total outstanding indebtedness for which the fund was levied is paid, the board may transfer the unexpended balance to the capital projects fund. If a balance remains in the bond proceeds after completion of the project for which the bonds were issued, the balance shall be transferred from the incidental or capital projects fund to the debt service fund. After making all placements of interest otherwise provided by law, a school district may transfer from the capital projects fund to the incidental fund the interest earned from undesignated balances in the capital projects fund. A school district may borrow from one of the following funds: teachers' fund, incidental fund, or capital projects fund, as necessary to meet obligations in another of those funds; provided that the full amount is repaid to the lending fund within the same fiscal year.

3. Tuition shall be paid from either the teachers' or incidental funds. Employee benefits for certificated staff shall be paid from the teachers' fund.

4. Other provisions of law to the contrary notwithstanding, the school board of a school district that meets the provisions of subsection 6 of section 163.031 may transfer from the incidental fund to the capital projects fund the sum of:

(1) The amount to be expended for transportation equipment that is considered an allowable cost under state board of education rules for transportation reimbursements during the current year; plus

(2) Any amount necessary to satisfy obligations of the capital projects fund for state-approved area vocational- technical schools; plus

(3) Current year obligations for lease-purchase obligations entered into prior to January 1, 1997; plus

(4) The amount necessary to repay costs of one or more guaranteed energy savings performance contracts to renovate buildings in the school district, provided that the contract is only for energy conservation measures as defined in section 640.651 and provided that the contract specifies that no payment or total of payments shall be required from the school district until at least an equal total amount of energy and energy-related operating savings and payments from the vendor pursuant to the contract have been realized by the school district; plus

(5) An amount not to exceed the greater of:

(a) One hundred sixty-two thousand three hundred twenty- six dollars; or

(b) Seven percent of the state adequacy target multiplied by the district's weighted average daily attendance, provided that transfer amounts in excess of current year obligations of the capital projects fund authorized under this subdivision may be transferred only by a resolution of the school board approved by a majority of the board members in office when the resolution is voted on and identifying the specific capital projects to be funded directly by the district by the transferred funds and an estimated expenditure date.

5. Beginning in the 2006-07 school year, a district meeting the provisions of subsection 6 of section 163.031 and not making the transfer under subdivision (5) of subsection 4 of this section, nor making payments or expenditures related to obligations made under section 177.088 may transfer from the incidental fund to the debt service fund or the capital projects fund the greater of:

(1) The state aid received in the 2005-06 school year as a result of no more than eighteen cents of the sum of the debt service and capital projects levy used in the foundation formula and placed in the respective debt service or capital projects fund, whichever fund had the designated tax levy; or

(2) Five percent of the state adequacy target multiplied by the district's weighted average daily attendance.

6. Beginning in the 2006-07 school year, the department of elementary and secondary education shall deduct from a school district's state aid calculated pursuant to section 163.031 an amount equal to the amount of any transfer of funds from the incidental fund to the capital projects fund or debt service fund performed during the previous year in violation of this section; except that the state aid shall be deducted over no more than five school years following the school year of an unlawful transfer based on a plan from the district approved by the commissioner of elementary and secondary education.

7. A school district may transfer unrestricted funds from the capital projects fund to the incidental fund in any year [in which that year's June thirtieth combined incidental and teachers' funds unrestricted balance compared to the combined incidental and teachers' funds expenditures would be less than ten percent without such transfer] **to avoid becoming financially stressed as defined in subsection 1 of section 161.520. If on June thirtieth of any fiscal year the sum of unrestricted balances in a school district's incidental fund and teacher's fund is less than twenty percent of the sum of the school district's expenditures from those funds for the fiscal year ending on that June thirtieth, the school district may, during the next succeeding fiscal year, transfer to its incidental fund an amount up to and including the amount of the unrestricted balance in its capital projects fund on that June thirtieth. For purposes of this subsection, in addition to any other restrictions that may apply to funds in the school district's capital projects fund, any funds that are derived from the proceeds of one or more general obligation bond issues shall be considered restricted funds and shall not be transferred to the school district's incidental fund.** ; and

Further amend said amendment by deleting the opening quotation mark on Line 4 of said amendment;

Further amend said amendment and page, Lines 11 and 13, by inserting after the numeral "163.037" the following:

"and the repeal and reenactment of 165.011" ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 81, Page 2, Section 162.1195, Line 24, by inserting after all of said section and line the following:

"[163.037. In any school year after the 2009-10 school year, if there is a twenty-five percent decrease in the statewide percentage of average daily attendance attributable to summer school compared to the percentage of average daily attendance attributable to summer school in the 2005-06 school year, then for the subsequent school year, weighted average daily attendance, as such term is defined in section 163.011, shall include the addition of the product of twenty-five hundredth times the average daily attendance for summer school.]

Section B. Because of the need to provide adequate funding to school districts, the repeal of section 163.037 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal of section 163.037 of section A of this act shall be in full force and effect upon its passage and approval." ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 81, Page 2, Section 162.1195, Line 24, by inserting after all of said section and line the following:

“170.340. Books of a religious nature may be used in the classroom as part of instruction in elective courses in literature and history, so long as such books are not used in a manner so as to violate the establishment clause of the United States Constitution.” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 48**, as amended, and grants the Senate a conference thereon.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mayer appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 48**, as amended: Senators Wright-Jones, Green, Lager, Schaefer and Dixon.

PRIVILEGED MOTIONS

Senator Kraus, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 270**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 270

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 270, with House Amendment Nos. 1, 2, 3, 4, 5, and 6, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 270, as amended;
2. The Senate recede from its position on Senate Committee Substitute for Senate Bill No. 270;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 270, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Will Kraus

FOR THE HOUSE:

/s/ Tony Dugger

/s/ Kevin Engler

/s/ Don Wells

/s/ Jane Cunningham

/s/ Jason Smith

Jolie L. Justus

/s/ Pat Conway

Robin Wright-Jones

/s/ Stacey Newman

Senator Kraus moved that the above conference committee report be adopted.

At the request of Senator Kraus, the above motion was withdrawn.

REPORTS OF STANDING COMMITTEES

Senator Purgason, Chairman of the Committee on Ways and Means and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Ways and Means and Fiscal Oversight, to which were referred **HCS** for **HBs 600, 337 and 413**, with **SCS**; **SS** for **SCS** for **HCS** for **HB 265**, as amended; and **HCS** for **HB 555**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

PRIVILEGED MOTIONS

Senator Kraus moved that the conference committee report on **HCS** for **SCS** for **SB 270**, as amended, be taken up for adoption, which motion prevailed.

Senator Kraus moved that the conference committee report be adopted, which motion failed by the following vote:

YEAS—Senators

Crowell	Cunningham	Dempsey	Dixon	Goodman	Green	Kraus	Lager
Lembke	Mayer	Nieves	Purgason	Ridgeway	Rupp	Schaaf	Stouffer—16

NAYS—Senators

Brown	Callahan	Chappelle-Nadal	Curls	Engler	Justus	Keaveny	Kehoe
Lamping	Munzlinger	Parson	Pearce	Richard	Schaefer	Schmitt	Wasson
Wright-Jones—17							

Absent—Senators—None

Absent with leave—Senator McKenna—1

Vacancies—None

HOUSE BILLS ON THIRD READING

Senator Wasson moved that **HCS** for **HB 464**, with **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 2 was again taken up.

Senator Chappelle-Nadal moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Rupp assumed the Chair.

Senator Schmitt offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 464, Page 34, Section 210.101, Lines 22-26, by striking all of said lines; and

Further amend said bill, Page 35 to 38, Section 210.102, by striking said section from the bill; and

Further amend said bill, Section 210.102, Page 38, Line 113, by inserting after all of said line the following:

“210.105. 1. There is hereby created the “Missouri Task Force on Prematurity and Infant Mortality” within the children’s services commission to consist of the following eighteen members:

(1) The following six members of the general assembly:

(a) Three members of the house of representatives, with two members to be appointed by the speaker of the house and one member to be appointed by the minority leader of the house;

(b) Three members of the senate, with two members to be appointed by the president pro tem of the senate and one member to be appointed by the minority leader of the senate;

(2) The director of the department of health and senior services, or the director’s designee;

(3) The director of the department of social services, or the director’s designee;

(4) The director of the department of insurance, financial institutions and professional registration, or the director’s designee;

(5) One member representing a not-for-profit organization specializing in prematurity and infant mortality;

(6) Two members who shall be either a physician or nurse practitioner specializing in obstetrics and gynecology, family medicine, pediatrics or perinatology;

(7) Two consumer representatives who are parents of individuals born prematurely, including one parent of an individual under the age of eighteen;

(8) Two members representing insurance providers in the state;

(9) One small business advocate; and

(10) One member of the small business regulatory fairness board.

Members of the task force, other than the legislative members and directors of state agencies, shall be appointed by the governor with the advice and consent of the senate by September 15, 2011.

2. A majority of a quorum from among the task force membership shall elect a chair and vice-chair of the task force.

3. A majority vote of a quorum of the task force is required for any action.

4. The chairperson of the children’s services commission shall convene the initial meeting of the task force by no later than October 15, 2011. The task force shall meet at least quarterly; except that the task force shall meet at least twice prior to the end of 2011. Meetings may be held by telephone or video conference at the discretion of the chair.

5. Members shall serve on the commission without compensation, but may, subject to appropriation, be reimbursed for actual and necessary expenses incurred in the performance of their official duties as members of the task force.

6. The goal of the task force is to seek evidence-based and cost-effective approaches to reduce Missouri's preterm birth and infant mortality rates.

7. The task force shall:

(1) Submit findings to the general assembly;

(2) Review appropriate and relevant evidence-based research regarding the causes and effects of prematurity and birth defects in Missouri;

(3) Examine existing public and private entities currently associated with the prevention and treatment of prematurity and infant mortality in Missouri;

(4) Develop cost-effective strategies to reduce prematurity and infant mortality; and

(5) Issue findings and propose to the appropriate public and private organizations goals, objectives, strategies, and tactics designed to reduce prematurity and infant mortality in Missouri, including drafting legislation on public policy for consideration during the next appropriate session of the general assembly.

8. On or before December 31, 2013, the task force shall submit a report on their findings to the governor and general assembly. The report shall include any dissenting opinions in addition to any majority opinions.

9. The task force shall expire on January 1, 2015, or upon submission of a report under subsection 8 of this section, whichever is earlier.”; and

Further amend the title and enacting clause accordingly.

Senator Schmitt moved that the above amendment be adopted.

Senator Ridgeway offered **SA 1 to SA 3**, which was read:

**SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 3**

Amend Senate Amendment No. 3 to Senate Committee Substitute for House Committee Substitute for House Bill No. 464, Page 3, Line 20, by striking the words “drafting legislation” and inserting in lieu thereof the following:

“recommendations”.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

SA 3, as amended, was again taken up.

Senator Schmitt moved that the above amendment be adopted, which motion prevailed.

Senator Wasson offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 464, Page 151,

Section 324.635, Line 5, by inserting after all of said line the following:

“[324.1140. 1. The board of private investigator examiners shall license persons who are qualified to train private investigators.

2. Persons wishing to become licensed trainers shall make application to the board of private investigator examiners on a form prescribed by the board and accompanied by a fee determined by the board. The application shall contain a statement of the plan of operation of the training offered by the applicant and the materials and aids to be used and any other information required by the board.

3. A license shall be granted to a trainer if the board finds that the applicant:

(1) Has sufficient knowledge of private investigator business in order to train private investigators sufficiently;

(2) Has supplied all required information to the board; and

(3) Has paid the required fee.

4. The license issued under this section shall be valid for two years and shall be renewable biennially upon application and payment of the renewal fee established by the board. An application for renewal of license shall be mailed to every person to whom a license was issued or renewed during the current licensing period. The applicant shall complete the application and return it to the board by the renewal date with a renewal fee in an amount to be set by the board and with evidence of continuing education under section 324.1122. Any licensee who practices during the time the license has expired shall be considered engaging in prohibited acts under section 324.1104 and shall be subject to the penalties provided for the violation of the provisions of sections 324.1100 to 324.1148. If a person is otherwise eligible to renew the person's certification or license, the person may renew an expired certification or license within two years from the date of expiration. To renew such expired certificate or license, the person shall submit an application for renewal, pay the renewal fee, pay a delinquent renewal fee as established by the board, and present evidence in the form prescribed by the board of having completed the continuing education requirements for renewal specified in section 324.1122. Upon a finding of extenuating circumstances, the commission may waive the payment of the delinquent fee. If a person has failed to renew the person's license within two years of its expiration, the license shall be void.]”; and

Further amend the title and enacting clause accordingly.

Senator Wasson moved that the above amendment be adopted, which motion prevailed.

Senator Green offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 464, Page 46, Section 320.094, Line 78, by striking the word “shall” and further amend line 79, by striking “be a person with expertise in fire prevention” and inserting in lieu thereof the following: “**who provides fire safety appliances or equipment**”.

Senator Green moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Wasson, **HCS** for **HB 464**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Stouffer moved that the conferees on **SS** for **SCS** for **HCS** for **HB 430**, as amended, be allowed to exceed the differences by adding sections 226.540 and 226.541 regarding the regulation of outdoor advertising, which motion prevailed.

Senator Pearce moved that the Senate refuse to concur in **HA 1**, **HA 2**, as amended, and **HA 3** to **SCS** for **SB 81** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Munzlinger moved that the Senate request the House to grant further conference on **HCS** for **SCS** for **SB 356**, as amended, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HCS** for **HB 664** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 664**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SS** for **HB 458**, as amended. Representatives: Loehner, Klippenstein, Entlicher, Aull and Shively.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SS** for **SCS** for **SB 70**, as amended. Representatives: Franz, Houghton, Gosen, Oxford and Carlson.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SB 48**, as amended. Representatives: Pollock, Smith (150), Schad, Hummel and Webb.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed Representative Schupp to the conference committee on **SS** for **SCS** for **HCS** for **HB 430**, as amended, replacing Representative Ellinger.

HOUSE BILLS ON THIRD READING

Senator Wasson moved that **HCS** for **HB 464**, with **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HCS** for **HB 464**, as amended, was again taken up.

Senator Ridgeway offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 464, Page 98,

Section 536.310, Line 25, by inserting after the word “appropriations,” the following:

“by a majority vote of the board,”; and further amend line 27, by striking all of said line and inserting in lieu thereof the following: **“employee with total salaries funded from the department of economic development appropriations up to one hundred fifty thousand dollars adjusted annually for inflation for professional positions to:”**; and

Further amend said bill and section, page 99, line 53 by striking the word “and” as it appears the second time on said line; and further amend line 54 by inserting immediately after the word “costs” the following: **“; and**

(6) Expenses and equipment for the one and one half full time equivalent employee of the board.

5. A majority vote of the board members shall be required for the hiring, retention, and termination of board employees. All duties of board employees shall be dedicated solely to the support of and for the furtherance of the purpose and mission of the board”; and

Further amend said bill, pages 99-100, section 536.312, lines 1-13, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Keaveny offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 464, Page 6, Section 37.745, Line 3, by inserting after all of said line the following:

“90.101. 1. Notwithstanding any law to the contrary, the board of commissioners of Tower Grove Park shall have the authority to adjust the size of its membership, provided that any such adjustment shall be approved by a majority vote of the board members.

2. Notwithstanding any law to the contrary, in case of any vacancy occurring in the membership of the board of commissioners of Tower Grove Park from death, resignation, or disqualification to act, the vacancy shall be filled by appointment from the remaining members of the board, or a majority of them, for the balance of the term then vacant, and all vacancies caused by the expiration of the term of office shall be filled by appointment from the judges of the supreme court of the state of Missouri, or a majority of them or if said judges are unable or unwilling to so act, which shall be presumed by their failure to act within thirty days following delivery to the court of a slate of appointees, by the majority vote of the remaining board members.”; and

Further amend the title and enacting clause accordingly.

Senator Keaveny moved that the above amendment be adopted, which motion prevailed.

Senator Wasson moved that **SCS** for **HCS** for **HB 464**, as amended, be adopted, which motion prevailed.

On motion of Senator Wasson, **SCS** for **HCS** for **HB 464**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	Munzlinger	Parson	Pearce	Richard	Ridgeway
Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—31	

NAYS—Senator Purgason—1

Absent—Senator Nieves—1

Absent with leave—Senator McKenna—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Wasson, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 284**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

**CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 284**

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 284, with House Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 284, as amended;
2. The Senate recede from its position on Senate Bill No. 284;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 284 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Jay Wasson

/s/ Michael L. Parson

/s/ Ron Richard

/s/ Victor E. Callahan

/s/ Shalonn “Kiki” Curls

FOR THE HOUSE:

/s/ David Sater

/s/ Jason Smith

/s/ Ray Weter

/s/ Tishaura Jones

/s/ Terry Swinger

Senator Wasson moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	Munzlinger	Nieves	Parson	Pearce	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senator Purgason—1

Absent—Senators—None

Absent with leave—Senator McKenna—1

Vacancies—None

On motion of Senator Wasson, **CCS** for **HCS** for **SB 284**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 284

An Act to repeal sections 144.030, 338.055, and 338.330, RSMo, and to enact in lieu thereof three new sections relating to pharmacy, with an emergency clause for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator McKenna—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping

Lembke	Mayer	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senator McKenna—1

Vacancies—None

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Wasson moved that **SS** for **SCS** for **HCS** for **HB 265**, as amended, be called from the Informal Calendar and taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HCS** for **HB 265**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator McKenna—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Senator Engler moved that **SS** for **HB 71**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Engler moved that **SS** for **HB 71**, as amended, be read the 3rd time and passed and was recognized to close.

President Pro Tem Mayer referred **SS** for **HB 71**, as amended, to the Committee on Ways and Means and Fiscal Oversight.

President Pro Tem Mayer assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Engler, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HJR 16**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

HOUSE BILLS ON THIRD READING

HCS for **HB 506**, with **SCS**, entitled:

An Act to repeal section 137.073, RSMo, and to enact in lieu thereof one new section relating to property tax levy revisions.

Was called from the Informal Calendar and taken up by Senator Lembke.

SCS for **HCS** for **HB 506**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 506

An Act to repeal section 137.073, RSMo, and to enact in lieu thereof one new section relating to property tax levy revisions.

Was taken up.

Senator Lembke moved that **SCS** for **HCS** for **HB 506** be adopted.

Senator Pearce offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 506, Page 12, Section 137.073, Line 380, by inserting immediately after said line the following:

“238.202. 1. As used in sections 238.200 to 238.275, the following terms mean:

- (1) “Board”, the board of directors of a district;
- (2) “Commission”, the Missouri highways and transportation commission;
- (3) “District”, a transportation development district organized under sections 238.200 to 238.275;

(4) “Local transportation authority”, a county, city, town, village, county highway commission, special road district, interstate compact agency, or any local public authority or political subdivision having jurisdiction over any bridge, street, highway, dock, wharf, ferry, lake or river port, airport, railroad, light rail or other transit improvement or service;

- (5) “Project” includes any bridge, street, road, highway, access road, interchange, intersection, signing,

signalization, parking lot, bus stop, station, garage, terminal, hangar, shelter, rest area, dock, wharf, lake or river port, airport, railroad, light rail, or other mass transit and any similar or related improvement or infrastructure.

2. For the purposes of sections 11(c), 16 and 22 of article X of the Constitution of Missouri, section 137.073, and as used in sections 238.200 to 238.275, the following terms shall have the meanings given:

(1) “Approval of the required majority” or “direct voter approval”, a simple majority;

(2) “Qualified electors”, “qualified voters” or “voters”:

(a) Within a proposed or established district, except for a district proposed under subsection 1 of section 238.207, any persons residing therein who have registered to vote pursuant to chapter 115; or

(b) Within a district proposed or established under [subsection 1] **subsections 1 or 5** of section 238.207 which has no persons residing therein who have registered to vote pursuant to chapter 115, the owners of record of all real property located in the district, who shall receive one vote per acre, provided that if a registered voter subsequent to the creation of the district becomes a resident within the district and obtains ownership of property within the district, such registered voter must elect whether to vote as an owner of real property or as a registered voter, which election once made cannot thereafter be changed;

(3) “Registered voters”, persons qualified and registered to vote pursuant to chapter 115.”; and

Further amend the title and enacting clause accordingly.

Senator Pearce moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 506, Page 12, Section 137.073, Line 380, by inserting after all of said line the following:

“137.082. 1. Notwithstanding the provisions of sections 137.075 and 137.080 to the contrary, a building or other structure classified as residential property pursuant to section 137.016 newly constructed and occupied on any parcel of real property shall be assessed and taxed on such assessed valuation as of the first day of the month following the date of occupancy for the proportionate part of the remaining year at the tax rates established for that year, in all taxing jurisdictions located in the county adopting this section as provided in subsection 8 of this section. Newly constructed residential property which has never been occupied shall not be assessed as improved real property until such occupancy or the first day of January of the [second] **fourth** year following the year in which construction of the improvements was completed. **The provisions of this subsection shall apply in those counties including any city not within a county in which the governing body has previously adopted or hereafter adopts the provisions of this subsection.**

2. The assessor may consider a property residentially occupied upon personal verification or when any two of the following conditions have been met:

(1) An occupancy permit has been issued for the property;

(2) A deed transferring ownership from one party to another has been filed with the recorder of deeds’ office subsequent to the date of the first permanent utility service;

(3) A utility company providing service in the county has verified a transfer of service for property from one party to another;

(4) The person or persons occupying the newly constructed property has registered a change of address with any local, state or federal governmental office or agency.

3. In implementing the provisions of this section, the assessor may use occupancy permits, building permits, warranty deeds, utility connection documents, including telephone connections, or other official documents as may be necessary to discover the existence of newly constructed properties. No utility company shall refuse to provide verification monthly to the assessor of a utility connection to a newly occupied single family building or structure.

4. In the event that the assessment under subsections 1 and 2 of this section is not completed until after the deadline for filing appeals in a given tax year, the owner of the newly constructed property who is aggrieved by the assessment of the property may appeal this assessment the following year to the county board of equalization in accordance with chapter 138 and may pay any taxes under protest in accordance with section 139.031; provided however, that such payment under protest shall not be required as a condition of appealing to the county board of equalization. The collector shall impound such protested taxes and shall not disburse such taxes until resolution of the appeal.

5. The increase in assessed valuation resulting from the implementation of the provisions of this section shall be considered new construction and improvements under the provisions of this chapter.

6. In counties which adopt the provisions of subsections 1 to 7 of this section, an amount not to exceed ten percent of all ad valorem property tax collections on newly constructed and occupied residential property allocable to each taxing authority within counties of the first classification having a population of nine hundred thousand or more, one-tenth of one percent of all ad valorem property tax collections allocable to each taxing authority within all other counties of the first classification and one-fifth of one percent of all ad valorem property tax collections allocable to each taxing authority within counties of the second, third and fourth classifications and any county of the first classification having a population of at least eighty-two thousand inhabitants, but less than eighty-two thousand one hundred inhabitants, in addition to the amount prescribed by section 137.720 shall be deposited into the assessment fund of the county for collection costs.

7. For purposes of figuring the tax due on such newly constructed residential property, the assessor or the board of equalization shall place the full amount of the assessed valuation on the tax book upon the first day of the month following occupancy. Such assessed valuation shall be taxed for each month of the year following such date at its new assessed valuation, and for each month of the year preceding such date at its previous valuation. The percentage derived from dividing the number of months at which the property is taxed at its new valuation by twelve shall be applied to the total assessed valuation of the new construction and improvements, and such product shall be included in the next year's base for the purposes of figuring the next year's tax levy rollback. The untaxed percentage shall be considered as new construction and improvements in the following year and shall be exempt from the rollback provisions.

8. Subsections 1 to 7 of this section shall be effective in those counties including any city not within a county in which the governing body of such county elects to adopt a proposal to implement the provisions of subsections 1 to 7 of this section. Such subsections shall become effective in such county on the first day of January of the year following such election.

9. In any county which adopts the provisions of subsections 1 to 7 of this section prior to the first day of June in any year pursuant to subsection 8 of this section, the assessor of such county shall, upon application of the property owner, remove on a pro rata basis from the tax book for the current year any residential real property improvements destroyed by a natural disaster if such property is unoccupied and uninhabitable due to such destruction. On or after the first day of July, the board of equalization shall perform such duties. Any person claiming such destroyed property shall provide a list of such destroyed property to the county assessor. The assessor shall have available a supply of appropriate forms on which the claim shall be made. The assessor may verify all such destroyed property listed to ensure that the person made a correct statement. Any person who completes such a list and, with intent to defraud, includes property on the list that was not destroyed by a natural disaster shall, in addition to any other penalties provided by law, be assessed double the value of any property fraudulently listed. The list shall be filed by the assessor, after he has provided a copy of the list to the county collector and the board of equalization, in the office of the county clerk who, after entering the filing thereof, shall preserve and safely keep them. If the assessor, subsequent to such destruction, considers such property occupied as provided in subsection 2 of this section, the assessor shall consider such property new construction and improvements and shall assess such property accordingly as provided in subsection 1 of this section. For the purposes of this section, the term “natural disaster” means any disaster due to natural causes such as tornado, fire, flood, or earthquake.

10. Any political subdivision may recover the loss of revenue caused by subsection 9 of this section by adjusting the rate of taxation, to the extent previously authorized by the voters of such political subdivision, for the tax year immediately following the year of such destruction in an amount not to exceed the loss of revenue caused by this section.”; and

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Lembke moved that **SCS for HCS for HB 506**, as amended, be adopted, which motion prevailed.

On motion of Senator Lembke, **SCS for HCS for HB 506**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Ridgeway—1

Absent with leave—Senator McKenna—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Lembke, title to the bill was agreed to.

Senator Lembke moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HCS for **HBs 600, 337 and 413**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 344**, with **SCS**, entitled:

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to the farm-to-table advisory board.

Was taken up by Senator Munzlinger.

SCS for **HCS** for **HB 344**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 344

An Act to repeal section 275.360, RSMo, and to enact in lieu thereof two new sections relating to farming.

Was taken up.

Senator Munzlinger moved that **SCS** for **HCS** for **HB 344** be adopted, which motion prevailed.

On motion of Senator Munzlinger, **SCS** for **HCS** for **HB 344** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senator Ridgeway—1

Absent—Senators—None

Absent with leave—Senator McKenna—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Munzlinger, title to the bill was agreed to.

Senator Munzlinger moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

REFERRALS

President Pro Tem Mayer referred **HCS** for **HJR 16**, with **SCS**, to the Committee on Ways and Means and Fiscal Oversight.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 177**, entitled:

An Act to repeal sections 144.030, 192.300, 630.053, 630.095, and 630.167, RSMo, and to enact in lieu thereof fourteen new sections relating to public health policies, with a penalty provision.

With House Amendment Nos. 1, 2, 3, 4, 5, 7, 8, 9, 10, 12, 13, House Substitute Amendment No. 1 for House Amendment No. 15, House Amendment Nos. 16, 17, 18 and 19.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 177, Page 14, Section 192.300, Line 30, by inserting after all of said section and line, the following:

“197.071. Any person aggrieved by an official action of the department of health and senior services affecting the licensed status of a person under the provisions of sections 197.010 to [197.120] **197.162**, including the refusal to grant, the grant, the revocation, the suspension, or the failure to renew a license, may seek a determination thereon by the administrative hearing commission pursuant to the provisions of section 621.045, and it shall not be a condition to such determination that the person aggrieved seek a reconsideration, a rehearing, or exhaust any other procedure within the department of health and senior services.

2. The department shall review and revise its regulations governing hospital licensure and enforcement as to promote hospital and regulatory efficiencies and eliminate duplicative regulation and inspections by or on behalf of state and federal agencies. The hospital licensure regulations adopted under this section shall incorporate standards which shall include, but not be limited to, the following:

(1) Each citation or finding of a regulatory deficiency shall refer to the specific written and publicly available standard and associated written interpretative guidance that are the basis of the citation or finding;

(2) Subject to appropriations, the department shall ensure that its hospital licensure regulatory standards are consistent with and do not contradict the federal Centers for Medicare and Medicaid Services’ Conditions of Participation for hospitals and associated interpretive guidance;

(3) The department shall establish and publish a process and standards for complaint investigation, including but not limited to:

(a) A process and standards for determining which complaints warrant an onsite investigation based on a preliminary review of available information from the complainant and the hospital. The process and standards shall, at a minimum, provide for a departmental determination independent of any recommendation for investigation by or in consultation with the federal Centers for Medicare and Medicaid Services (CMS). For purposes of evaluating such process and standards, the number

and nature of complaints filed and the recommended actions by the department and, as appropriate, CMS shall be disclosed upon request to hospitals, so long as the otherwise confidential identity of the complainant or the patient for whom the complaint was filed is not disclosed;

(b) The scope of a departmental investigation of a complaint shall be limited to the specific regulatory standard or standards raised by the complaint, unless a threat of immediate jeopardy of safety is observed or identified during such investigation;

(c) A hospital shall be provided with a report of all complaints made against the hospital. Such report shall include the nature of the complaint, the date of the complaint, the department conclusions regarding the complaint, the number of investigators and days of investigation resulting from each complaint;

(4) Subject to appropriations, the department shall designate adequate and sufficient resources to the annual inspection of hospitals necessary for licensure, including but not limited to resources for consultation services and collaboration with hospital personnel to facilitate improvements;

(5) Hospitals and hospital personnel shall have the opportunity to participate in:

(a) Training sessions provided to state licensure surveyors, which shall be provided at least annually subject to appropriations. Hospitals and hospital personnel shall assume all costs associated with their participation in training sessions and use of curriculum materials; and

(b) Training of surveyors assigned to inspection of hospitals to the fullest extent possible, including the training of surveyors previously designated as a surveyor specific, which resulted in the exclusion of all hospital personnel from such training sessions;

(6) The regulations shall establish specific time lines for state hospital officials to provide responses to hospitals regarding the status and outcome of pending investigations and regulatory actions and questions about interpretations of regulations. Such time lines shall be identical to, to the extent practicable, to the time lines established for the federal hospital certification and enforcement system in CMS's State Operations Manual, as amended.

3. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.

197.080. The department of health and senior services, with the advice of the state advisory council and pursuant to the provisions of this section and chapter 536, shall adopt, amend, promulgate and enforce such rules, regulations and standards with respect to all hospitals or different types of hospitals to be licensed hereunder as may be designed to further the accomplishment of the purposes of this law in promoting safe and adequate treatment of individuals in hospitals in the interest of public health, safety and welfare. No rule or portion of a rule promulgated under the authority of sections 197.010 to 197.280 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 177, Page 9, Section 144.030, Line 279, by inserting after all of said line the following:

“167.194. 1. Beginning July 1, 2008, every child enrolling in kindergarten or first grade in a public elementary school in this state shall receive one comprehensive vision examination performed by a state licensed optometrist or physician. Evidence of the examination shall be submitted to the school no later than January first of the first year in which the student is enrolled at the school, provided that the evidence submitted in no way violates any provisions of Public Law 104-191, 42 U.S.C. 201, et seq, Health Insurance Portability and Accountability Act of 1996.

2. The state board of education, in conjunction with the department of health and senior services, shall promulgate rules establishing the criteria for meeting the requirements of subsection 1 of this section, which may include, but are not limited to, forms or other proof of such examination, or other rules as are necessary for the enforcement of this section. The form or other proof of such examination shall include but not be limited to identifying the result of the examinations performed under subsection 4 of this section, the cost for the examination, the examiner’s qualifications, and method of payment through either:

- (1) Insurance;
- (2) The state Medicaid program;
- (3) Complimentary; or
- (4) Other form of payment.

3. The department of elementary and secondary education, in conjunction with the department of health and senior services, shall compile and maintain a list of sources to which children who may need vision examinations or children who have been found to need further examination or vision correction may be referred for treatment on a free or reduced-cost basis. The sources may include individuals, and federal, state, local government, and private programs. The department of elementary and secondary education shall ensure that the superintendent of schools, the principal of each elementary school, the school nurse or other person responsible for school health services, and the parent organization for each district elementary school receives an updated copy of the list each year prior to school opening. Professional and service organizations concerned with vision health may assist in gathering and disseminating the information, at the direction of the department of elementary and secondary education.

4. For purposes of this section, the following comprehensive vision examinations shall include but not be limited to:

- (1) Complete case history;
- (2) Visual acuity at distance (aided and unaided);
- (3) External examination and internal examination (ophthalmoscopic examination);
- (4) Subjective refraction to best visual acuity.

5. Findings from the evidence of examination shall be provided to the department of health and senior services and kept by the optometrist or physician for a period of seven years.

6. In the event that a parent or legal guardian of a child subject to this section shall submit to the

appropriate school administrator a written request that the child be excused from taking a vision examination as provided in this section, that child shall be so excused.

[7. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset on June 30, 2012, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset eight years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.]"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 177, Section 630.167, Page 19, Line 110, by inserting after all of said section and line the following:

"Section 1. The MO HealthNet division shall not require a health insurance issuer, as defined in section 376.450, to exceed the requirements of sections 354.603 and 354.606 related to network adequacy."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 177, Section 144.030, Page 9, Line 279, by inserting after all of said section and line the following:

"190.839. Sections 190.800 to 190.839 shall expire on September 30, [2011] **2015**."; and

Further amend said Bill, Section 192.300, Page 14, Line 30, by inserting after all of said section and line the following:

"198.439. Sections 198.401 to 198.436 shall expire on September 30, [2011] **2015**."; and

Further amend said Bill, Section 208.247, Page 15, Line 26, by inserting after all of said section and line the following:

"208.437. 1. A Medicaid managed care organization reimbursement allowance period as provided in sections 208.431 to 208.437 shall be from the first day of July to the thirtieth day of June. The department shall notify each Medicaid managed care organization with a balance due on the thirtieth day of June of each year the amount of such balance due. If any managed care organization fails to pay its managed care organization reimbursement allowance within thirty days of such notice, the reimbursement allowance shall be delinquent. The reimbursement allowance may remain unpaid during an appeal.

2. Except as otherwise provided in this section, if any reimbursement allowance imposed under the provisions of sections 208.431 to 208.437 is unpaid and delinquent, the department of social services may compel the payment of such reimbursement allowance in the circuit court having jurisdiction in the county where the main offices of the Medicaid managed care organization are located. In addition, the director of the department of social services or the director's designee may cancel or refuse to issue, extend or reinstate a Medicaid contract agreement to any Medicaid managed care organization which fails to pay such

delinquent reimbursement allowance required by sections 208.431 to 208.437 unless under appeal.

3. Except as otherwise provided in this section, failure to pay a delinquent reimbursement allowance imposed under sections 208.431 to 208.437 shall be grounds for denial, suspension or revocation of a license granted by the department of insurance, financial institutions and professional registration. The director of the department of insurance, financial institutions and professional registration may deny, suspend or revoke the license of a Medicaid managed care organization with a contract under 42 U.S.C. Section 1396b(m) which fails to pay a managed care organization's delinquent reimbursement allowance unless under appeal.

4. Nothing in sections 208.431 to 208.437 shall be deemed to effect or in any way limit the tax-exempt or nonprofit status of any Medicaid managed care organization with a contract under 42 U.S.C. Section 1396b(m) granted by state law.

5. Sections 208.431 to 208.437 shall expire on September 30, [2011] **2015**.

208.480. Notwithstanding the provisions of section 208.471 to the contrary, sections 208.453 to 208.480 shall expire on September 30, [2011] **2015**.

338.550. 1. The pharmacy tax required by sections 338.500 to 338.550 shall expire ninety days after any one or more of the following conditions are met:

(1) The aggregate dispensing fee as appropriated by the general assembly paid to pharmacists per prescription is less than the fiscal year 2003 dispensing fees reimbursement amount; or

(2) The formula used to calculate the reimbursement as appropriated by the general assembly for products dispensed by pharmacies is changed resulting in lower reimbursement to the pharmacist in the aggregate than provided in fiscal year 2003; or

(3) September 30, [2011] **2015**.

The director of the department of social services shall notify the revisor of statutes of the expiration date as provided in this subsection. The provisions of sections 338.500 to 338.550 shall not apply to pharmacies domiciled or headquartered outside this state which are engaged in prescription drug sales that are delivered directly to patients within this state via common carrier, mail or a carrier service.

2. Sections 338.500 to 338.550 shall expire on September 30, [2011] **2015**.”; and

Further amend said Bill, Section 630.630.167, Page 19, Line 110, by inserting after all of said section and line the following:

“633.401. 1. For purposes of this section, the following terms mean:

(1) “Engaging in the business of providing health benefit services”, accepting payment for health benefit services;

(2) “Intermediate care facility for the mentally retarded”, a private or department of mental health facility which admits persons who are mentally retarded or developmentally disabled for residential habilitation and other services pursuant to chapter 630. Such term shall include habilitation centers and private or public intermediate care facilities for the mentally retarded that have been certified to meet the conditions of participation under 42 CFR, Section 483, Subpart 1;

(3) “Net operating revenues from providing services of intermediate care facilities for the mentally

retarded” shall include, without limitation, all moneys received on account of such services pursuant to rates of reimbursement established and paid by the department of social services, but shall not include charitable contributions, grants, donations, bequests and income from nonservice related fund-raising activities and government deficit financing, contractual allowance, discounts or bad debt;

(4) “Services of intermediate care facilities for the mentally retarded” has the same meaning as the term used in Title 42 United States Code, Section 1396b(w)(7)(A)(iv), as amended, and as such qualifies as a class of health care services recognized in federal Public Law 102-234, the Medicaid Voluntary Contribution and Provider Specific Tax Amendment of 1991.

2. Beginning July 1, 2008, each provider of services of intermediate care facilities for the mentally retarded shall, in addition to all other fees and taxes now required or paid, pay assessments on their net operating revenues for the privilege of engaging in the business of providing services of the intermediate care facilities for the mentally retarded or developmentally disabled in this state.

3. Each facility’s assessment shall be based on a formula set forth in rules and regulations promulgated by the department of mental health.

4. For purposes of determining rates of payment under the medical assistance program for providers of services of intermediate care facilities for the mentally retarded, the assessment imposed pursuant to this section on net operating revenues shall be a reimbursable cost to be reflected as timely as practicable in rates of payment applicable within the assessment period, contingent, for payments by governmental agencies, on all federal approvals necessary by federal law and regulation for federal financial participation in payments made for beneficiaries eligible for medical assistance under Title XIX of the federal Social Security Act.

5. Assessments shall be submitted by or on behalf of each provider of services of intermediate care facilities for the mentally retarded on a monthly basis to the director of the department of mental health or his or her designee and shall be made payable to the director of the department of revenue.

6. In the alternative, a provider may direct that the director of the department of social services offset, from the amount of any payment to be made by the state to the provider, the amount of the assessment payment owed for any month.

7. Assessment payments shall be deposited in the state treasury to the credit of the “Intermediate Care Facility Mentally Retarded Reimbursement Allowance Fund”, which is hereby created in the state treasury. All investment earnings of this fund shall be credited to the fund. Notwithstanding the provisions of section 33.080 to the contrary, any unexpended balance in the intermediate care facility mentally retarded reimbursement allowance fund at the end of the biennium shall not revert to the general revenue fund but shall accumulate from year to year. The state treasurer shall maintain records that show the amount of money in the fund at any time and the amount of any investment earnings on that amount.

8. Each provider of services of intermediate care facilities for the mentally retarded shall keep such records as may be necessary to determine the amount of the assessment for which it is liable under this section. On or before the forty-fifth day after the end of each month commencing July 1, 2008, each provider of services of intermediate care facilities for the mentally retarded shall submit to the department of social services a report on a cash basis that reflects such information as is necessary to determine the amount of the assessment payable for that month.

9. Every provider of services of intermediate care facilities for the mentally retarded shall submit a

certified annual report of net operating revenues from the furnishing of services of intermediate care facilities for the mentally retarded. The reports shall be in such form as may be prescribed by rule by the director of the department of mental health. Final payments of the assessment for each year shall be due for all providers of services of intermediate care facilities for the mentally retarded upon the due date for submission of the certified annual report.

10. The director of the department of mental health shall prescribe by rule the form and content of any document required to be filed pursuant to the provisions of this section.

11. Upon receipt of notification from the director of the department of mental health of a provider's delinquency in paying assessments required under this section, the director of the department of social services shall withhold, and shall remit to the director of the department of revenue, an assessment amount estimated by the director of the department of mental health from any payment to be made by the state to the provider.

12. In the event a provider objects to the estimate described in subsection 11 of this section, or any other decision of the department of mental health related to this section, the provider of services may request a hearing. If a hearing is requested, the director of the department of mental health shall provide the provider of services an opportunity to be heard and to present evidence bearing on the amount due for an assessment or other issue related to this section within thirty days after collection of an amount due or receipt of a request for a hearing, whichever is later. The director shall issue a final decision within forty-five days of the completion of the hearing. After reconsideration of the assessment determination and a final decision by the director of the department of mental health, an intermediate care facility for the mentally retarded provider's appeal of the director's final decision shall be to the administrative hearing commission in accordance with sections 208.156 and 621.055.

13. Notwithstanding any other provision of law to the contrary, appeals regarding this assessment shall be to the circuit court of Cole County or the circuit court in the county in which the facility is located. The circuit court shall hear the matter as the court of original jurisdiction.

14. Nothing in this section shall be deemed to affect or in any way limit the tax-exempt or nonprofit status of any intermediate care facility for the mentally retarded granted by state law.

15. The director of the department of mental health shall promulgate rules and regulations to implement this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

16. The provisions of this section shall expire on September 30, [2011] **2015**.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 177, Section A, Page 1, Line 4, by inserting the following after all of said Line:

“135.647. 1. As used in this section, the following terms shall mean:

(1) “Local food pantry”, any food pantry that is:

(a) Exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, as amended; and

(b) Distributing emergency food supplies to Missouri low-income people who would otherwise not have access to food supplies in the area in which the taxpayer claiming the tax credit under this section resides;

(2) “Taxpayer”, an individual, a firm, a partner in a firm, corporation, or a shareholder in an S corporation doing business in this state and subject to the state income tax imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265.

2. For all tax years beginning on or after January 1, 2007, any taxpayer who donates cash or food, unless such food is donated after the food’s expiration date, to any local food pantry shall be allowed a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, in an amount equal to fifty percent of the value of the donations made to the extent such amounts that have been subtracted from federal adjusted gross income or federal taxable income are added back in the determination of Missouri adjusted gross income or Missouri taxable income before the credit can be claimed. Each taxpayer claiming a tax credit under this section shall file an affidavit with the income tax return verifying the amount of their contributions. The amount of the tax credit claimed shall not exceed the amount of the taxpayer’s state tax liability for the tax year that the credit is claimed, and shall not exceed two thousand five hundred dollars per taxpayer claiming the credit. Any amount of credit that the taxpayer is prohibited by this section from claiming in a tax year shall not be refundable, but may be carried forward to any of the taxpayer’s three subsequent taxable years. No tax credit granted under this section shall be transferred, sold, or assigned. No taxpayer shall be eligible to receive a credit pursuant to this section if such taxpayer employs persons who are not authorized to work in the United States under federal law.

3. The cumulative amount of tax credits under this section which may be allocated to all taxpayers contributing to a local food pantry in any one fiscal year shall not exceed two million dollars. The director of revenue shall establish a procedure by which the cumulative amount of tax credits is apportioned among all taxpayers claiming the credit by April fifteenth of the fiscal year in which the tax credit is claimed. To the maximum extent possible, the director of revenue shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

4. Any local food pantry may accept or reject any donation of food made under this section for any reason. For purposes of this section, any donations of food accepted by a local food pantry shall be valued at fair market value, or at wholesale value if the taxpayer making the donation of food is a retail grocery store, food broker, wholesaler, or restaurant.

5. The department of revenue shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

6. [Under section 23.253 of the Missouri sunset act:]

(1) [The provisions of the new program authorized under this section shall automatically sunset four years after August 28, 2007, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized,] the program authorized under this section shall [automatically sunset twelve years after the effective date of the reauthorization of this section] **expire on August 28, 2015**; and

[(3)] (2) This section shall terminate on September [first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.] **1, 2016.**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 177 Section 208.247, Page 15, Line 26, by inserting after all of said section and line the following:

"208.798. [1. The provisions of sections 208.550 to 208.568 shall terminate following notice to the revisor of statutes by the Missouri RX plan advisory commission that the Medicare Prescription Drug, Improvement and Modernization Act of 2003 has been fully implemented. 2.] Pursuant to section 23.253 of the Missouri sunset act, the provisions of the new program authorized under sections 208.780 to 208.798 shall automatically sunset August 28, [2011] **2016**, unless reauthorized by an act of the general assembly."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 177, Section 192.300, Page 14, Line 30, by inserting after all of said section and line the following:

"208.184. 1. For the renewal of a child's eligibility for MO HealthNet benefits under this chapter or the state children's health insurance program benefits under sections 208.631 to 208.659, the department of social services shall provide a prepopulated form completed by the department based on all information available to the department and notice to the parent or caretaker relative of the child that eligibility of the child will be renewed and continued based on such information unless the department is provided other information from such parent or caretaker relative. Nothing in this subsection shall be construed as preventing the state from verifying, through electronic and other means, the information so provided.

2. If there are no changes in information, such as income or family composition, relating to eligibility of the child for the benefits listed in subsection 1 of this section, the parent or caretaker relative of the child shall send back the prepopulated form referenced in subsection 1 of this section with a signature to verify the information on the form is accurate. If the information on the form is not accurate, the parent or caretaker relative shall be required to provide updated information and a signature to verify the new information is accurate."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 177, Section

208.247, Page 15, Line 26, by inserting after all of said section and line the following:

“354.618. 1. A health carrier shall be required to offer as an additional health plan, an open referral health plan whenever it markets a gatekeeper group plan as an exclusive or full replacement health plan offering to a group contract holder:

(1) In the case of group health plans offered to employers of fifty or fewer employees, the decision to accept or reject the additional open referral plan offering shall be made by the group contract holder. For health plans marketed to employers of over fifty employees, the decision to accept or reject shall be made by the employee;

(2) Contracts currently in existence shall offer the additional open referral health plan at the next annual renewal after August 28, 1997; however, multiyear group contracts need not comply until the expiration of their current multiyear term unless the group contract holder elects to comply before that time;

(3) If an employer provides more than one health plan to its employees and at least one is an open referral plan, then all health benefit plans offered by such employer shall be exempt from the requirements of this section.

2. For the purposes of this act, the following terms shall mean:

(1) “Open referral plan”, a plan in which the enrollee is allowed to obtain treatment for covered benefits without a referral from a primary care physician from any person licensed to provide such treatment;

(2) “Gatekeeper group plan”, a plan in which the enrollee is required to obtain a referral from a primary care professional in order to access specialty care.

3. Any health benefit plan provided pursuant to the Medicaid program shall be exempt from the requirements of this section.

4. A health carrier shall have a procedure by which a female enrollee may seek the health care services of an obstetrician/gynecologist at least once a year without first obtaining prior approval from the enrollee's primary care provider if the benefits are covered under the enrollee's health benefit plan, and the obstetrician/gynecologist is a member of the health carrier's network. In no event shall a health carrier be required to permit an enrollee to have health care services delivered by a nonparticipating obstetrician/gynecologist. An obstetrician/gynecologist who delivers health care services directly to an enrollee shall report such visit and health care services provided to the enrollee's primary care provider. A health carrier may require an enrollee to obtain a referral from the primary care physician, if such enrollee requires more than one annual visit with an obstetrician/gynecologist.

[5. Except for good cause, a health carrier shall be prohibited either directly, or indirectly through intermediaries, from discriminating between eye care providers when selecting among providers of health services for enrollment in the network and when referring enrollees for health services provided within the scope of those professional licenses and when reimbursing amounts for covered services among persons duly licensed to provide such services. For the purposes of this section, an eye care provider may be either an optometrist licensed pursuant to chapter 336 or a physician who specializes in ophthalmologic medicine, licensed pursuant to chapter 334.]

[6]5. Nothing contained in this section shall be construed as to require a health carrier to pay for health care services not provided for in the terms of a health benefit plan.

[7]6. Any health carrier, which is sponsored by a federally qualified health center and is presently in

existence and which has been in existence for less than three years shall be exempt from this section for a period not to exceed two years from August 28, 1997.

[8]7. A health carrier shall not be required to offer the direct access rider for a group contract holder's health benefit plan if the health benefit plan is being provided pursuant to the terms of a collective bargaining agreement with a labor union, in accordance with federal law and the labor union has declined such option on behalf of its members.

[9]8. Nothing in this act shall be construed to preempt the employer's right to select the health care provider pursuant to section 287.140 in a case where an employee incurs a work-related injury covered by the provisions of chapter 287.

[10]9. Nothing contained in this act shall apply to certified managed care organizations while providing medical treatment to injured employees entitled to receive health benefits under chapter 287 pursuant to contractual arrangements with employers, or their insurers, under section 287.135.

354.619. 1. Except for good cause, a health carrier shall be prohibited either directly, or indirectly through intermediaries, from discriminating between eye care providers when selecting among providers of health services for enrollment in the network and when referring enrollees for health services provided within the scope of those professional licenses and when reimbursing amounts for covered services among person duly licensed to provide such services. For the purposes of this section, an eye care provider may be either an optometrist licensed pursuant to chapter 336, or a physician who specializes in ophthalmologic medicine, licensed pursuant to chapter 334.

2. A health carrier shall not directly or indirectly through intermediaries refuse to select an eye care provider for the network solely on the grounds that:

(1) Not all eye care providers in a group practice agree to participate in the health carrier's provider network; or

(2) The provider is not a retailer of frames or corrective lenses or both.

3. If optometric services are being provided in connection to a treatment plan for corrective surgery, then the health carrier shall not directly or indirectly through intermediaries refuse to select an eye care provider for the network, refuse to refer an enrollee for health services provided within the scope of an eye care provider's license or reimburse for covered services in a discriminatory manner.

4. A health carrier may not require a licensed optometrist who provides basic medical eye care to participate solely through an intermediary if that health carrier permits ophthalmologist to contract directly with the health carrier.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 177, Section 208.247, Page15, Line 26, by inserting after all of said section and lines the following:

“376.1226. 1. No contract between a health carrier or health benefit plan and a dentist for the provision of dental services under a dental plan shall require that the dentist provide dental services to insureds in the dental plan at a fee established by the health carrier or health benefit plan if such

dental services are not covered services under the dental plan.

2. For purposes of this section, the following terms shall mean:

(1) “Covered services”, services reimbursable by a health carrier or health benefit plan under an applicable dental plan, subject to such contractual limitations on benefits as may apply, including but not limited to deductibles, waiting periods, or frequency limitations;

(2) “Dental plan”, any policy or contract of insurance which provides for coverage of dental services;

(3) “Health benefit plan”, the same meaning as such term is defined in section 376.1350;

(4) “Health carrier”, the same meaning as such term is defined in section 376.1350.

376.1227. 1. No contract between a health carrier or health benefit plan and an optometrist for the provision of optometric services under a vision plan shall require that the optometrist provide optometric services to insureds in the vision plan at a fee established by the health carrier or health benefit plan if such optometric services are not covered services under the vision plan.

2. For purposes of this section, the following terms shall mean:

(1) “Covered services”, services reimbursable by a health carrier or health benefit plan under an applicable vision plan, subject to such contractual limitations on benefits as may apply, including but not limited to deductibles, waiting periods, or frequency limitations;

(2) “Health benefit plan”, the same meaning as such term is defined in section 376.1350;

(3) “Health carrier”, the same meaning as such term is defined in section 376.1350;

(4) “Vision plan”, any policy or contract of insurance which provides for coverage of vision care services.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 177, Page 14, Section 192.300, Line 30, by inserting after all of said section and line the following:

“197.800. 1. Except as provided in subsection 3 of this section and subject to obtaining an employee’s consent, a hospital licensed under this chapter shall annually administer or make available to be administered immunizations against the influenza virus to employees who have direct contact with a patient of the hospital. The hospital shall administer or make the immunizations available during the period beginning September first and ending March first of the following year.

2. A hospital shall conduct the immunization required under this section in accordance with recommendations established by the Advisory Committee on Immunization Practices of the United States Centers for Disease Control and Prevention that are in effect at the time the hospital conducts the immunizations.

3. A hospital is not required to provide or make available to the hospital’s employees an annual immunization against the influenza virus if the department of health and senior services determines that the necessary vaccine is not in adequate supply. A hospital shall not require an employee to receive an immunization under this section if:

(1) The hospital has written documentation from the employee’s physician or other health care provider indicating the date and place that the individual received an immunization required under this section and determines that no additional immunization is required;

(2) The immunization is medically contraindicated for the employee;

(3) Receiving the immunization is against the employee’s religious beliefs; or

(4) The employee declines in writing the immunization after receiving education on the risks and benefits of an immunization against the influenza.

4. The department of health and senior services shall promulgate rules to develop the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 13

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 177, Page 15, Section 208.247, Line 26, by inserting after all of said section and line, the following:

“376.1257. 1. Any health benefit plan that provides coverage and benefits for cancer chemotherapy treatment shall not require a higher co-payment, deductible, or coinsurance amount for a prescribed orally administered anticancer medication that is used to kill or slow the growth of cancerous cells than what the plan requires for an intravenously administered or injected cancer medication that is provided, regardless of formulation or benefit category determination by the health carrier administering the health benefit plan.

2. A health carrier shall not achieve compliance with the provisions of this section by imposing an increase in co-payment, deductible, or coinsurance amount for an intravenously administered or injected cancer chemotherapy agent covered under the health benefit plan.

3. Nothing in this section shall be interpreted to prohibit a health carrier from requiring prior authorization or imposing other appropriate utilization controls in approving coverage for any chemotherapy.

4. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months or less duration, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

5. As used in this section, the terms “health benefit plan” and “health carrier” shall have the same meanings ascribed to such terms in section 376.1350.

6. Coverage under this section shall be limited to Federal Drug Administration approved

indications and National Comprehensive Cancer Network recommendations.

7. Coverage under this section may be administered by a specialty pharmacy network.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR
HOUSE AMENDMENT NO. 15**

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 177, Page 15, Section 208.247, Line 26 by inserting after all of said section and line the following:

“210.101. 1. There is hereby established the “Missouri Children’s Services Commission”, which shall be composed of the following members:

(1) The director or [deputy director of the department of labor and industrial relations and the director or deputy director of each state agency, department, division, or other entity which provides services or programs for children, including, but not limited to, the department of mental health, the department of elementary and secondary education, the department of social services, the department of public safety and the department of health and senior services] **the director’s designee of the following departments: labor and industrial relations, corrections, elementary and secondary education, higher education, health and senior services, mental health, public safety, and social services;**

(2) One judge of a **family or** juvenile court, who shall be appointed by the chief justice of the supreme court;

(3) [One judge of a family court, who shall be appointed by the chief justice of the supreme court;

(4) Four] **Two** members, [two] **one** from each political party, of the house of representatives, who shall be appointed by the speaker of the house of representatives;

[(5) Four] **(4) Two** members, [two] **one** from each political party, of the senate, who shall be appointed by the president pro tempore of the senate;

(5) Five at-large members who shall be appointed by the governor with the advice and consent of the senate, with one member representing each of the following: pediatricians, family physicians, hospital administrators, children’s advocacy organizations, and parents of minor children.

All members shall serve for as long as they hold the position which made them eligible for appointment to the Missouri children’s services commission under this subsection. All members shall serve without compensation but may be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the commission.

2. All meetings of the Missouri children’s services commission shall be open to the public and shall, for all purposes, be deemed open public meetings under the provisions of sections 610.010 to 610.030. The Missouri children’s services commission shall meet no less than once every two months[, and shall hold its first meeting no later than sixty days after September 28, 1983]. Notice of all meetings of the commission shall be given to the general assembly in the same manner required for notifying the general public of meetings of the general assembly.

3. The Missouri children’s services commission may make all rules it deems necessary to enable it to conduct its meetings, elect its officers, and set the terms and duties of its officers.

4. The commission shall elect from amongst its members a chairman, vice chairman, a secretary-reporter, and such other officers as it deems necessary.

5. The services of the personnel of any agency from which the director or deputy director is a member of the commission shall be made available to the commission at the discretion of such director or deputy director. All meetings of the commission shall be held in the state of Missouri.

6. The officers of the commission may hire an executive director. Funding for the executive director may be provided from the Missouri children's services commission fund or other sources provided by law.

7. The commission, by majority vote, may invite individuals representing local and federal agencies or private organizations and the general public to serve as ex officio members of the commission. Such individuals shall not have a vote in commission business and shall serve without compensation but may be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the commission.

210.102. 1. It shall be the duty of the Missouri children's services commission to:

(1) Make recommendations which will encourage greater interagency coordination, cooperation, more effective utilization of existing resources and less duplication of effort in activities of state agencies which affect the legal rights and well-being of children in Missouri;

(2) Develop an integrated state plan for the care provided to children in this state through state programs;

(3) Develop a plan to improve the quality of children's programs statewide. Such plan shall include, but not be limited to:

(a) Methods for promoting geographic availability and financial accessibility for all children and families in need of such services;

(b) Program recommendations for children's services which include child development, education, supervision, health and social services;

(c) Goals with measurable outcomes for state agencies with respect to children's services;

(d) Policy recommendations to the governor and general assembly;

(4) Design and implement evaluation of the activities of the commission in fulfilling the duties as set out in this section;

(5) Report annually to the governor with five copies each to the house of representatives and senate about its activities including, but not limited to the following:

(a) A general description of the activities pertaining to children of each state agency having a member on the commission;

(b) A general description of the plans and goals, as they affect children, of each state agency having a member on the commission;

(c) Recommendations for statutory and appropriation initiatives to implement the integrated state plan;

(d) A report from the commission regarding the state of children in Missouri.

2. There is hereby established within the children's services commission the "Coordinating Board for Early Childhood", which shall constitute a body corporate and politic, and shall include but not be limited

to the following members:

- (1) A representative from the governor's office;
- (2) A representative from each of the following departments: health and senior services, mental health, social services, and elementary and secondary education;
- (3) A representative of the judiciary;
- (4) A representative of the family and community trust board (FACT);
- (5) A representative from the head start program;
- (6) Nine members appointed by the governor with the advice and consent of the senate who are representatives of the groups, such as business, philanthropy, civic groups, faith-based organizations, parent groups, advocacy organizations, early childhood service providers, and other stakeholders. The coordinating board may make all rules it deems necessary to enable it to conduct its meetings, elect its officers, and set the terms and duties of its officers. The coordinating board shall elect from amongst its members a chairperson, vice chairperson, a secretary-reporter, and such other officers as it deems necessary. Members of the board shall serve without compensation but may be reimbursed for actual expenses necessary to the performance of their official duties for the board.

3. The coordinating board for early childhood shall have the power to:

- (1) Develop a comprehensive statewide long-range strategic plan for a cohesive early childhood system;
- (2) Confer with public and private entities for the purpose of promoting and improving the development of children from birth through age five of this state;
- (3) Identify legislative recommendations to improve services for children from birth through age five;
- (4) Promote coordination of existing services and programs across public and private entities;
- (5) Promote research-based approaches to services and ongoing program evaluation;
- (6) Identify service gaps and advise public and private entities on methods to close such gaps;
- (7) Apply for and accept gifts, grants, appropriations, loans, or contributions to the coordinating board for early childhood fund from any source, public or private, and enter into contracts or other transactions with any federal or state agency, any private organizations, or any other source in furtherance of the purpose of subsections 2 and 3 of this section, and take any and all actions necessary to avail itself of such aid and cooperation;
- (8) Direct disbursements from the coordinating board for early childhood fund as provided in this section;
- (9) Administer the coordinating board for early childhood fund and invest any portion of the moneys not required for immediate disbursement in obligations of the United States or any agency or instrumentality of the United States, in obligations of the state of Missouri and its political subdivisions, in certificates of deposit and time deposits, or other obligations of banks and savings and loan associations, or in such other obligations as may be prescribed by the board;
- (10) Purchase, receive, take by grant, gift, devise, bequest or otherwise, lease, or otherwise acquire, own, hold, improve, employ, use, and otherwise deal with real or personal property or any interests therein, wherever situated;

(11) Sell, convey, lease, exchange, transfer or otherwise dispose of all or any of its property or any interest therein, wherever situated;

(12) Employ and fix the compensation of an executive director and such other agents or employees as it considers necessary;

(13) Adopt, alter, or repeal by its own bylaws, rules, and regulations governing the manner in which its business may be transacted;

(14) Adopt and use an official seal;

(15) Assess or charge fees as the board determines to be reasonable to carry out its purposes;

(16) Make all expenditures which are incident and necessary to carry out its purposes;

(17) Sue and be sued in its official name;

(18) Take such action, enter into such agreements, and exercise all functions necessary or appropriate to carry out the duties and purposes set forth in this section.

4. There is hereby created the “Coordinating Board for Early Childhood Fund” which shall consist of the following:

(1) Any moneys appropriated by the general assembly for use by the board in carrying out the powers set out in subsections 2 and 3 of this section;

(2) Any moneys received from grants or which are given, donated, or contributed to the fund from any source;

(3) Any moneys received as fees authorized under subsections 2 and 3 of this section;

(4) Any moneys received as interest on deposits or as income on approved investments of the fund;

(5) Any moneys obtained from any other available source. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the coordinating board for early childhood fund at the end of the biennium shall not revert to the credit of the general revenue fund.

210.105. 1. There is hereby created the “Missouri Task Force on Prematurity and Infant Mortality” within the children’s services commission to consist of the following eighteen members:

(1) The following six members of the general assembly:

(a) Three members of the house of representatives, with two members to be appointed by the speaker of the house and one member to be appointed by the minority leader of the house;

(b) Three members of the senate, with two members to be appointed by the president pro tem of the senate and one member to be appointed by the minority leader of the senate;

(2) The director of the department of health and senior services, or the director’s designee;

(3) The director of the department of social services, or the director’s designee;

(4) The director of the department of insurance, financial institutions and professional registration, or the director’s designee;

(5) One member representing a not-for-profit organization specializing in prematurity and infant mortality;

(6) Two members who shall be either a physician or nurse practitioner specializing in obstetrics and gynecology, family medicine, pediatrics or perinatology;

(7) Two consumer representatives who are parents of individuals born prematurely, including one parent of an individual under the age of eighteen;

(8) Two members representing insurance providers in the state;

(9) One small business advocate; and

(10) One member of the small business regulatory fairness board.

Members of the task force, other than the legislative members and directors of state agencies, shall be appointed by the governor with the advice and consent of the senate by September 15, 2011.

2. A majority of a quorum from among the task force membership shall elect a chair and vice-chair of the task force.

3. A majority vote of a quorum of the task force is required for any action.

4. The chairperson of the children's services commission shall convene the initial meeting of the task force by no later than October 15, 2011. The task force shall meet at least quarterly; except that the task force shall meet at least twice prior to the end of 2011. Meetings may be held by telephone or video conference at the discretion of the chair.

5. Members shall serve on the commission without compensation, but may, subject to appropriation, be reimbursed for actual and necessary expenses incurred in the performance of their official duties as members of the task force.

6. The goal of the task force is to seek evidence-based and cost-effective approaches to reduce Missouri's preterm birth and infant mortality rates.

7. The task force shall:

(1) Submit findings to the general assembly;

(2) Review appropriate and relevant evidence-based research regarding the causes and effects of prematurity and birth defects in Missouri;

(3) Examine existing public and private entities currently associated with the prevention and treatment of prematurity and infant mortality in Missouri;

(4) Develop cost-effective strategies to reduce prematurity and infant mortality; and

(5) Issue findings and propose to the appropriate public and private organizations goals, objectives, strategies, and tactics designed to reduce prematurity and infant mortality in Missouri, including drafting legislation on public policy for consideration during the next appropriate session of the general assembly.

8. On or before December 31, 2013, the task force shall submit a report on their findings to the governor and general assembly. The report shall include any dissenting opinions in addition to any majority opinions.

9. The task force shall expire on January 1, 2015, or upon submission of a report under subsection 8 of this section, whichever is earlier.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 16

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 177, Page 15, Section 208.247, Line 26 by inserting after all of said section and line the following:

“376.1231. Reimbursement amounts and copays paid by health carriers for any particular health care service or procedure rendered by a physical therapist within the scope of practice, as defined in chapter 334, shall be in the same amounts as reimbursements paid by health carriers to any other licensed physical therapist performing the same or similar procedures. Such uniform reimbursement requirement shall apply regardless of the setting or venue in which the applicable health care services or procedures are rendered.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 17

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 177, Page 14, Section 192.300, Line 30, by inserting after all of said section and line the following:

“197.705. 1. Except as otherwise provided in subsection 2 of this section, all hospitals [and health care facilities,] and ambulatory surgical centers as defined in sections 197.020 and [197.305] 197.200, shall require all personnel providing services in such facilities to wear identification badges while acting within the scope of their employment. The identification badges of all personnel shall prominently display the licensure status of such personnel and shall include the following:

(1) A recent photograph of the employee, the employee’s first name, the employee’s title, and the name of the health care facility or organization;

(2) The title of the employee shall be as large as possible in block type and shall occupy a tall strip as close as practicable to the top or bottom edge of the badge;

(3) Titles shall be as follows:

(a) A medical doctor as defined in section 334.021 shall have the title “Physician”;

(b) Any nurse as defined in section 335.016 may have the title “Advanced Practice Registered Nurse”, “Certified Nurse Midwife”, “Certified Nurse Practitioner”, “Certified Registered Nurse Anesthetist”, “Licensed Practical Nurse”, “Registered Nurse”, or “Clinical Nurse Specialist” as applicable for such nurse’s level of nursing, licensure, and certification; and

(c) All other titles shall be determined by rule by the department of health and senior services.

Nothing in this section shall prohibit a health care provider from placing the provider’s additional specialty or designation after the provider’s name on the badge.

2. Personnel shall not be required to wear an identification badge while delivering direct care to a consumer if not clinically feasible.

3. The department of health and senior services may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and

chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.

4. Nothing in this section shall require the immediate replacement of identification badges worn by personnel currently employed on or before August 28, 2011. Such identification badges shall be replaced within a reasonable time after August 28, 2011, such as at a regularly scheduled interval of reissuance; except that, all identification badges worn by personnel of hospitals and ambulatory surgical centers shall comply with this section within ten years from August 28, 2011.” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 18

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 177, Section 144.030, Page 9, Line 279, by inserting after all of said section and line the following:

“191.227. 1. All physicians, chiropractors, hospitals, dentists, and other duly licensed practitioners in this state, herein called “providers”, shall, upon written request of a patient, or guardian or legally authorized representative of a patient, furnish a copy of his or her record of that patient’s health history and treatment rendered to the person submitting a written request, except that such right shall be limited to access consistent with the patient’s condition and sound therapeutic treatment as determined by the provider. Beginning August 28, 1994, such record shall be furnished within a reasonable time of the receipt of the request therefor and upon payment of a fee as provided in this section.

2. Health care providers may condition the furnishing of the patient’s health care records to the patient, the patient’s authorized representative or any other person or entity authorized by law to obtain or reproduce such records upon payment of a fee for:

(1) (a) Copying, in an amount not more than [seventeen] **twenty-one** dollars and [five] **thirty-six** cents plus [forty] **fifty** cents per page for the cost of supplies and labor **plus, if the health care provider has contracted for off-site records storage and management, any additional labor costs of outside storage retrieval, not to exceed twenty dollars, as adjusted annually pursuant to subsection 5 of this section; or**

(b) If the health care provider stores records in an electronic or digital format, and provides the requested records and affidavit, if requested, in an electronic or digital format, not more than five dollars plus fifty cents per page or twenty-five dollars total, whichever is less;

(2) Postage, to include packaging and delivery cost; and

(3) Notary fee, not to exceed two dollars, if requested.

3. Notwithstanding provisions of this section to the contrary, providers may charge for the reasonable cost of all duplications of health care record material or information which cannot routinely be copied or duplicated on a standard commercial photocopy machine.

4. The transfer of the patient’s record done in good faith shall not render the provider liable to the patient or any other person for any consequences which resulted or may result from disclosure of the patient’s record as required by this section.

5. Effective February first of each year, the fees listed in subsection 2 of this section shall be increased or decreased annually based on the annual percentage change in the unadjusted, U.S. city average, annual average inflation rate of the medical care component of the Consumer Price Index for All Urban Consumers (CPI-U). The current reference base of the index, as published by the Bureau of Labor Statistics of the United States Department of Labor, shall be used as the reference base. For purposes of this subsection, the annual average inflation rate shall be based on a twelve-month calendar year beginning in January and ending in December of each preceding calendar year. The department of health and senior services shall report the annual adjustment and the adjusted fees authorized in this section on the department's Internet website by February first of each year.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 19

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 177, Section 144.030, Page 9, Line 279, by inserting after all of said section and line the following:

“144.032. The provisions of section 144.030 to the contrary notwithstanding, any city imposing a sales tax under the provisions of sections 94.500 to 94.570, or any county imposing a sales tax under the provisions of sections 66.600 to 66.635, or any county imposing a sales tax under the provisions of sections 67.500 to 67.729 **or 205.205, or any hospital district imposing a sales tax under the provisions of section 206.165,** may by ordinance impose a sales tax upon all sales of metered water services, electricity, electrical current and natural, artificial or propane gas, wood, coal, or home heating oil for domestic use only. Such tax shall be administered by the department of revenue and assessed by the retailer in the same manner as any other city [or], county, **or hospital district** sales tax. Domestic use shall be determined in the same manner as the determination of domestic use for exemption of such sales from the state sales tax under the provisions of section 144.030.”; and

Further amend said Bill, Section 192.300, Page 14, Line 30, by inserting after all of said section and line the following:

“205.205. 1. The governing body of any county of the third classification without a township form of government and with more than eleven thousand seven hundred fifty but fewer than eleven thousand eight hundred fifty inhabitants, and operates a hospital established under this chapter may, by resolution, abolish the property tax authorized to fund the county hospital under this chapter and impose a sales tax on all retail sales made within the county which are subject to sales tax under chapter 144 and all sales of metered water services, electricity, electrical current and natural, artificial or propane gas, wood, coal, or home heating oil for domestic use only as provided under section 144.032. The tax authorized in this section shall be not more than one percent, and shall be imposed solely for the purpose of funding the county hospital. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. No such resolution adopted under this section shall become effective unless the governing body of the county submits to the voters residing within the county at a state general, primary, or special election a proposal to authorize the governing body of the county to impose a tax under this section. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales tax. If a majority of the votes

cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

3. All revenue collected under this section by the director of the department of revenue on behalf of the county hospital, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the "County Hospital Sales Tax Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the fund and credited to the county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such county. Any funds in the special fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The governing body of any county that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the county. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved.

If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

5. Whenever the governing body of any county that has adopted the sales tax authorized in this section receives a petition, signed by a number of registered voters of the county equal to at least ten percent of the number of registered voters of the county voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the county a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

6. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the county shall notify the director of the department of revenue of the action at least ninety days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director shall remit the balance in the account to the county and close the account of that county. The director shall notify

each county of each instance of any amount refunded or any check redeemed from receipts due the county.

206.165. 1. The governing body of any hospital district established under sections 206.010 to 206.160 in any county of the third classification without a township form of government and with more than ten thousand six hundred but fewer than ten thousand seven hundred inhabitants may, by resolution, abolish the property tax authorized in such district under this chapter and impose a sales tax on all retail sales made within the district which are subject to sales tax under chapter 144 and all sales of metered water services, electricity, electrical current and natural, artificial or propane gas, wood, coal, or home heating oil for domestic use only as provided under section 144.032. The tax authorized in this section shall be not more than one percent, and shall be imposed solely for the purpose of funding the hospital district. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. No such resolution adopted under this section shall become effective unless the governing body of the hospital district submits to the voters residing within the district at a state general, primary, or special election a proposal to authorize the governing body of the district to impose a tax under this section. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales tax. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

3. All revenue collected under this section by the director of the department of revenue on behalf of the hospital district, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the "Hospital District Sales Tax Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the fund and credited to the district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such district. Any funds in the special fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The governing body of any hospital district that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the district. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved.

If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

5. Whenever the governing body of any hospital district that has adopted the sales tax authorized

in this section receives a petition, signed by a number of registered voters of the district equal to at least ten percent of the number of registered voters of the district voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the district a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

6. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the hospital district shall notify the director of the department of revenue of the action at least ninety days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such district, the director shall remit the balance in the account to the district and close the account of that district. The director shall notify each district of each instance of any amount refunded or any check redeemed from receipts due the district.”; and

Further amend said Bill, Page 19, Section 630.167, Line 110, by inserting after all of said section and line the following:

“Section B. Because immediate action is necessary to adequately fund certain hospital districts in this state, the repeal and reenactment of section 144.032 and the enactment of section 206.165 of section A of this act are deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 144.032 and the enactment of section 206.165 of section A of this act shall be in full force and effect upon its passage and approval.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 142**, as amended, and has taken up and passed **CCS** for **SCS** for **HB 142**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 213**, entitled:

An Act to repeal sections 194.115, 475.060, and 475.061, RSMo, and to enact in lieu thereof twenty-seven new sections relating to guardianship, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Stouffer moved that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SB 254**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Brown moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 177**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

On motion of Senator Dempsey, the Senate recessed until 7:15 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Ridgeway.

Senator Dempsey announced that photographers from the Jefferson City News Tribune were given permission to take pictures in the Senate Chamber today.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 101**, as amended, and has taken up and passed **CCS** for **SCS** for **HB 101**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HA 1**, **HA 1** to **HA 2**, **HA 2**, as amended, and **HA 3** to **SCS** for **SB 81** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **SB 81**, as amended. Representatives: Frederick, Funderburk, Stream, Carter and Aull.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 7**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCR 11**.

Concurrent Resolution ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 12**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HCS** for **HB 161** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 161**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1008** and has taken up and passed **SCS** for **HB 1008**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House grants the Senate further conference on **HCS** for **SCS** for **SB 356**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SCS** for **SB 254**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 177**, as amended, and grants the Senate a conference thereon.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mayer appointed the following conference committee to act with a like committee from the House on **SCS** for **SB 81**, as amended: Senators Pearce, Kehoe, Brown, Callahan and Keaveny.

President Pro Tem Mayer appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 356**, as amended: Senators Munzlinger, Parson, Brown, Callahan and Justus.

PRIVILEGED MOTIONS

Senator Cunningham, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 101**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 101

The Conference Committee appointed on Senate Committee Substitute for House Bill No. 101, with Senate Amendment No. 1 and Senate Amendment No. 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 101, as

amended;

2. That the House recede from its position on House Bill No. 101;

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 101, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Tom Loehner

/s/ Paul Fitzwater

/s/ Delus Johnson

/s/ Paul Quinn

/s/ Mike Talboy

FOR THE SENATE:

/s/ Jane Cunningham

/s/ Luann Ridgeway

/s/ James W. Lembke

/s/ Jolie Justus

/s/ Ryan McKenna

Senator Cunningham moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Engler	Green
Justus	Keaveny	Kehoe	Kraus	Lembke	Nieves	Parson	Pearce
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Wasson	Wright-Jones—24

NAYS—Senators

Crowell	Goodman	Lager	Lamping	Mayer	Purgason	Stouffer—7
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Absent—Senators

Curls	Munzlinger—2
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Absent with leave—Senator McKenna—1

Vacancies—None

On motion of Senator Cunningham, **CCS** for **SCS** for **HB 101**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 101

An Act to repeal sections 311.297, 311.482, 311.485, and 311.486, RSMo, and to enact in lieu thereof six new sections relating to liquor control.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Engler	Green
Justus	Keaveny	Kehoe	Kraus	Lembke	Nieves	Parson	Pearce
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Wasson	Wright-Jones—24

NAYS—Senators

Crowell	Goodman	Lager	Lamping	Mayer	Purgason	Stouffer—7
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Absent—Senators

Curls Munzlinger—2

Absent with leave—Senator McKenna—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Senator Lamping moved that **SS** for **SCS** for **SB 351**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SCS** for **SB 351**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 351

An Act to repeal section 453.121, RSMo, and to enact in lieu thereof one new section relating to adoption records.

Was taken up.

Senator Lamping moved that **HCS** for **SS** for **SCS** for **SB 351**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	Nieves	Parson	Pearce	Purgason	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Munzlinger—1

Absent with leave—Senator McKenna—1

Vacancies—None

On motion of Senator Lamping, **HCS** for **SS** for **SCS** for **SB 351**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager

Lamping	Lembke	Mayer	Nieves	Parson	Pearce	Purgason	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Munzlinger—1

Absent with leave—Senator McKenna—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Lamping, title to the bill was agreed to.

Senator Lamping moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mayer appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 254**, as amended: Senators Stouffer, Kehoe, Engler, McKenna and Wright-Jones.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SCS** for **SB 177**, as amended. Representatives: Frederick, Allen, Wells, Carter and Colona.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SS** for **SCS** for **SB 254**, as amended. Representatives: Cox, Elmer, Barnes, Colona and Carlson.

PRIVILEGED MOTIONS

Senator Rupp moved that **SS** for **SCS** for **SB 132**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SCS** for **SB 132**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 132

An Act to repeal sections 384.015, 384.017, 384.021, 384.043, 384.051, 384.057, 384.061, 385.200,

385.206, and 385.208, RSMo, and to enact in lieu thereof fourteen new sections relating to certain specialty lines insurance contracts, with penalty provisions, an emergency clause for certain sections, and an effective date for certain sections.

Was taken up.

Senator Rupp moved that **HCS** for **SS** for **SCS** for **SB 132**, as amended be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	Munzlinger	Nieves	Parson	Pearce	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Purgason—1

Absent with leave—Senator McKenna—1

Vacancies—None

On motion of Senator Rupp, **HCS** for **SS** for **SCS** for **SB 132**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	Munzlinger	Nieves	Parson	Pearce	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Purgason—1

Absent with leave—Senator McKenna—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	Munzlinger	Nieves	Parson	Pearce	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Purgason—1

Absent with leave—Senator McKenna—1

Vacancies—None

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mayer appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 177**, as amended: Senators Brown, Schaaf, Schaefer, Callahan and Green.

PRIVILEGED MOTIONS

Senator Kehoe, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 250**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT NO. 2 ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 250

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 250, with House Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 250, as amended;
2. The Senate recede from its position on Senate Bill No. 250;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 250 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Mike Kehoe
/s/ Jack A.L. Goodman
/s/ Kevin Engler
/s/ Victor E. Callahan
/s/ Joseph P. Keaveny

FOR THE HOUSE:

/s/ Rodney Schad
/s/ Mike Cierpiot
/s/ Galen Higdon
/s/ Mike Colona
/s/ Jay Swearingen

Senator Kehoe moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator McKenna—1

Vacancies—None

On motion of Senator Kehoe, **CCS No. 2** for **HCS** for **SB 250**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 250

An Act to repeal sections 566.147 and 589.040, RSMo, and to enact in lieu thereof two new sections relating to requirements for persons convicted of sexual assault offenses, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator McKenna—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Kehoe, title to the bill was agreed to.

Senator Kehoe moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Senator Keaveny moved that the conference on **HCS** for **SB 61**, as amended, be dissolved and that the Senate request the House to recede from its position on **HCS** for **SB 61**, as amended, and take up and pass **SB 61**, which motion prevailed.

Senator Engler moved that **SB 97**, with **HCS No. 2**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS No. 2 for **SB 97**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR
SENATE BILL NO. 97

An Act to authorize the conveyance of real property owned by the state.

Was taken up.

Senator Engler moved that **HCS No. 2** for **SB 97**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator McKenna—1

Vacancies—None

On motion of Senator Engler, **HCS No. 2** for **SB 97**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Goodman—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Dempsey, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 142**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 142

The Conference Committee appointed on Senate Committee Substitute for House Bill No. 142, as amended, with Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 6, Senate Amendment No. 7, Senate Amendment No. 8, Senate Amendment No. 9, and Senate Amendment No. 10, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 142, as amended;
2. That the House recede from its position on House Bill No. 142;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 142, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Chuck Gatschenberger
/s/ John Diehl
/s/ Jeannie Lauer
/s/ Paul Quinn
/s/ Sylvester Taylor, II

FOR THE SENATE:

/s/ Tom Dempsey
/s/ Robert N. Mayer
/s/ Michael Parson
/s/ Ryan McKenna
/s/ Shalonn K. Curls

Senator Dempsey moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Pearce—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Dempsey, **CCS** for **SCS** for **HB 142**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 142

An Act to repeal sections 55.030, 67.1521, 90.101, 475.115, and 479.011, RSMo, and to enact in lieu thereof seven new sections relating to political subdivisions.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Dempsey, title to the bill was agreed to.

Senator Dempsey moved that the vote by which the bill passed be reconsidered.

Senator Mayer moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 552**, with **SCS**, entitled:

An Act to repeal section 208.152, RSMo, and to enact in lieu thereof two new sections relating to the standard of care for the treatment of persons with bleeding disorders.

Was taken up by Senator Engler.

SCS for **HCS** for **HB 552**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 552

An Act to repeal section 208.152, RSMo, and to enact in lieu thereof two new sections relating to the

standard of care for the treatment of persons with bleeding disorders.

Was taken up.

Senator Engler moved that **SCS** for **HCS** for **HB 552** be adopted.

Senator Engler offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 552, Page 7, Section 208.152, Line 227, by striking the words “**In-home assessments conducted**” and inserting in lieu thereof the following: “**Assessments conducted in the participant’s home**”.

Senator Engler moved that the above amendment be adopted, which motion prevailed.

Senator Engler moved that **SCS** for **HCS** for **HB 552**, as amended, be adopted, which motion prevailed.

On motion of Senator Engler, **SCS** for **HCS** for **HB 552**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HCS for **HB 473**, entitled:

An Act to repeal sections 160.400, 160.405, 160.410, 160.415, and 160.420, RSMo, and to enact in lieu thereof nine new sections relating to charter schools.

Was taken up by Senator Stouffer.

Senator Stouffer offered **SS** for **HCS** for **HB 473**, entitled:

SENATE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 473

An Act to repeal sections 29.205, 160.400, 160.405, 160.410, 160.415, and 160.420, RSMo, and to enact

in lieu thereof eleven new sections relating to charter schools.

Senator Stouffer moved that **SS** for **HCS** for **HB 473** be adopted.

Senator Pearce assumed the Chair.

Senator Schmitt offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 473, Page 1, In the Title, Lines 4-5 of said page, by striking the following: “charter schools” and inserting in lieu thereof the following: “elementary and secondary education”; and

Further amend said bill, page 46, section 160.425, line 18 of said page, by inserting after all of said line the following:

“167.131. 1. The board of education of each district in this state that does not maintain an accredited school **for specific grade levels** pursuant to the authority of the state board of education to classify schools as established in section 161.092 shall pay [the] tuition [of] **as calculated by the receiving district under subsection 2 of this section** and provide transportation consistent with the provisions of section 167.241 for each pupil resident therein who attends an accredited **public** school in another district of the same or an adjoining county.

2. The rate of tuition to be charged by the district attended and paid by the sending district is the per pupil cost of maintaining the district's grade level grouping which includes the school attended. The cost of maintaining a grade level grouping shall be determined by the board of education of the district but in no case shall it exceed all amounts spent for teachers' wages, incidental purposes, debt service, maintenance and replacements. The term “debt service”, as used in this section, means expenditures for the retirement of bonded indebtedness and expenditures for interest on bonded indebtedness. Per pupil cost of the grade level grouping shall be determined by dividing the cost of maintaining the grade level grouping by the average daily pupil attendance. If there is disagreement as to the amount of tuition to be paid, the facts shall be submitted to the state board of education, and its decision in the matter shall be final. Subject to the limitations of this section, each pupil shall be free to attend the public school of his or her choice.

3. The board of education of each district in this state that has been declared unaccredited pursuant to the authority of the state board of education as established in section 161.092 shall pay tuition and provide transportation consistent with the provisions of section 167.241 for each pupil resident therein who meets the criteria of this subsection and subsection 5 of this section. A pupil from an unaccredited district may attend a school in another district of the same or an adjoining county if the receiving district is accredited without provision and if the pupil has been enrolled in and attending a public school in the district during the school year when such declaration is made, or has enrolled and attended in the unaccredited district in school years subsequent to the year in which the declaration is made. Pupils who reside in the unaccredited district who become eligible for kindergarten or first grade in a school year after the effective date of this section are also eligible to transfer. The rate of tuition to be charged by the district attended and paid by the sending district shall be the lesser of the nonresident tuition established by each district under subsection 2 of this section or, in the absence of an established nonresident tuition, the lesser of the two districts' average expenditure per pupil for the most recently completed year for which data are available. The residence district shall pay the cost of education in the receiving district, under section 162.705, for

any resident student with an individualized education plan who is accepted in the receiving district.

4. Before a student who currently attends a public school in an unaccredited school district applies for a transfer to attend a public school in an accredited school district in the same or an adjoining county under subsection 3 of this section, the unaccredited district shall determine if a space is available for the student in a school in the unaccredited district that meets adequate yearly progress standards under the federal No Child Left Behind act. If such a space exists, the student shall remain enrolled in the unaccredited district attending such school. The right of first intervention by the unaccredited school district shall remain in effect as long as available spaces are open in qualifying schools.

5. By June 30, 2011, each school district shall establish specific criteria through board policy for the admission of nonresident pupils from districts that have been classified as unaccredited by the state board of education who seek admission into a school district under subsection 3 of this section. The primary criteria shall be the availability of highly qualified teachers in existing classroom space. Each district shall establish criteria for calculating available seats that take into account the district's resident student population growth or decrease, based on demographic projections provided by the office of socioeconomic data analysis, such that the receiving district shall not be required to employ additional teachers or construct new classrooms to accommodate such transfer pupils. No resident pupil shall be displaced from a school to which he or she would otherwise be assigned to accommodate the admission of a nonresident pupil. The assignment of a student to a particular building shall be the decision of the receiving district.

6. Once a student from an unaccredited district has been accepted under subsections 3 and 5 of this section, the student may complete the educational program in the building to which he or she has been assigned even if the student's residence district has regained its accreditation. Upon a student's transition from an educational program in the building to which the student was assigned to an educational program in a different building, if the student's residence district has regained accreditation, the student shall return to the residence district to begin the next educational program.”; and

Further amend the title and enacting clause accordingly.

Senator Schmitt moved that the above amendment be adopted.

At the request of Senator Stouffer, **HCS for HB 473**, with **SS** and **SA 1** (pending), was placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Goodman moved that the Senate request the House to grant further conference on **HCS for SS No. 2** for **SCS for SB 8** and that the conferees be allowed to exceed the differences by removing all language relating to occupational disease, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS for SB 59**, as amended, and has taken up and passed **CCS for HCS for SB 59**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has reappointed the conferees on **HCS** for **SCS** for **SB 356**, as amended. Representatives: Loehner, Schad, Wright, Holsman and Harris.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HB 184** and has taken up and passed **SS** for **SCS** for **HB 184**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HCS** for **HBs 470** and **429**, as amended, and has taken up and passed **SS** for **SCS** for **HCS** for **HBs 470** and **429**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS No. 2** for **SCS** for **HCS** for **HB 89**, as amended, and has taken up and passed **SS No. 2** for **SCS** for **HCS** for **HB 89**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HCS** for **HB 431** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 431**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended, for **HCS** for **HBs 300, 334** and **387** and has taken up and passed **SCS** for **HCS** for **HBs 300, 334** and **387**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 32**, as amended.

HOUSE BILLS ON THIRD READING

HB 708, with **SCS**, introduced by Representative Curtman, et al, entitled:

An Act to amend chapter 1, RSMo, by adding thereto one new section relating to choice of law.

Was taken up by Senator Nieves.

SCS for **HB 708**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 708

An Act to amend chapter 506, RSMo, by adding thereto one new section relating to the laws of other countries.

Was taken up.

Senator Nieves moved that **SCS** for **HB 708** be adopted.

At the request of Senator Nieves, **HB 708**, with **SCS** (pending), was placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Crowell moved that the Senate refuse to concur in **HCS** for **SS** for **SB 202**, as amended, and request the House to recede from its position and take up and pass **SS** for **SB 202**, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Purgason, Chairman of the Committee on Ways and Means and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Ways and Means and Fiscal Oversight, to which was referred **SCS** for **HCS** for **HB 412**, as amended, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

Senator Wasson moved that **SCS** for **HCS** for **HB 412**, as amended, be called from the Informal Calendar and taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HCS** for **HB 412**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 173**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 173**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House grants further conference on **HCS** for **SS No. 2** for **SCS** for **SB 8**, as amended, and that the conferees be allowed to exceed the differences by removing all language relating to occupational disease. The Speaker has reappointed the conferees. Representatives: Fisher, Nolte, Richardson, Meadows and McManus.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 506**, as amended, and has taken up and passed **SCS** for **HCS** for **HB 506**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **HCS** for **HB 213** and has taken up and passed **SS** for **HCS** for **HB 213**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 344** and has taken up and passed **SCS** for **HCS** for **HB 344**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 464**, as amended, and has taken up and passed **SCS** for **HCS** for **HB 464**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HCS** for **HB 265**, as amended, and has taken up and passed **SS** for **SCS** for **HCS** for **HB 265**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 38** and has taken up and passed **SCS** for **HCS** for **HB 38**.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mayer appointed the following conference committee to act with a like committee from the House on **HCS** for **SS No. 2** for **SCS** for **SB 8**, as amended: Senators Goodman, Crowell, Pearce, Callahan and Green.

RESOLUTIONS

Senator Schaefer offered Senate Resolution No. 1095, regarding Jana Bledsoe, Hartsburg, which was adopted.

Senator Rupp offered Senate Resolution No. 1096, regarding the One Hundredth Birthday of Ermal Dickerman, Elsberry, which was adopted.

Senator Stouffer offered Senate Resolution No. 1097, regarding William Monroe, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Callahan introduced to the Senate, the Physician of the Day, Dr. Donald Potts, M.D., Independence.

Senator Dixon introduced to the Senate, former State Senator Norma Champion, Sarah Tilley and Lesia Hessee, Springfield.

On motion of Senator Dempsey, the Senate adjourned until 9:00 a.m., Friday, May 13, 2011.

SENATE CALENDAR

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SIXTY-NINTH DAY—FRIDAY, MAY 13, 2011

—————

FORMAL CALENDAR

VETOED BILLS

SCS for SB 188-Lager, et al

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna
(In Fiscal Oversight)

SB 204-Dempsey, et al
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

- | | |
|---|----------------------------|
| 1. SB 260-Wasson, with SCS | 11. SB 223-Mayer |
| 2. SB 425-Goodman, with SCS | 12. SB 119-Schaefer |
| 3. SB 400-Kraus, with SCS | 13. SB 150-Munzlinger |
| 4. SB 392-Rupp, with SCS | 14. SB 84-Wright-Jones |
| 5. SB 403-Nieves | 15. SB 45-Wright-Jones |
| 6. SB 329-Nieves | 16. SB 14-Pearce, with SCS |
| 7. SB 353-Engler | 17. SB 281-Kraus |
| 8. SJR 16-Goodman, with SCS | 18. SB 399-Kraus |
| 9. SB 391-Lager | 19. SB 44-Wright-Jones |
| 10. SB 253-Callahan and Cunningham,
with SCS | |

HOUSE BILLS ON THIRD READING

- | | |
|---|--|
| HB 139-Smith (150), et al
(Cunningham) (In Fiscal Oversight) | HCS for HB 840 (Schmitt) (In Fiscal Oversight) |
| HCS for HB 366 (Richard)
(In Fiscal Oversight) | HCS for HB 555, with SCS (Schmitt) |
| | HCS for HJR 16, with SCS (Nieves)
(In Fiscal Oversight) |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

- | | |
|-----------------------|---------------------|
| SCS for SB 18-Schmitt | SS for SB 231-Lager |
|-----------------------|---------------------|

SENATE BILLS FOR PERFECTION

- | | |
|--|--|
| SBs 1 & 206-Ridgeway, with SCS & SA 1
(pending) | SB 28-Brown |
| SBs 7, 5, 74 & 169-Goodman, with SCS | SB 37-Lembke, with SCS |
| SB 10-Rupp | SB 52-Cunningham |
| SB 23-Keaveny, with SCS & SS for SCS
(pending) | SB 72-Kraus, with SS (pending) |
| SB 25-Schaaf, with SCS & SS for SCS
(pending) | SBs 88 & 82-Schaaf, with SCS & SA 1
(pending) |
| | SB 120-Stouffer, with SS (pending) |
| | SB 130-Rupp, with SCS & SS for SCS (pending) |

SB 155-Rupp, with SCS
 SB 175-Munzlinger, et al, with SA 1
 (pending)
 SB 176-Munzlinger, et al
 SBs 189, 217, 246, 252 & 79-Schmitt,
 with SCS
 SB 200-Crowell
 SB 203-Schmitt, et al, with SS (pending)
 SB 208-Lager
 SB 209-Lager
 SB 228-Pearce
 SB 242-Cunningham, with SCS & SS for SCS
 (pending)
 SB 247-Pearce, with SS (pending)

SB 264-Rupp, with SCS
 SB 278-Munzlinger, et al
 SB 280-Purgason, et al, with SCS & SS
 for SCS (pending)
 SBs 291, 184 & 294-Pearce, with SCS &
 SA 4 (pending)
 SB 299-Munzlinger, with SCS (pending)
 SB 326-Wasson
 SBs 369 & 370-Cunningham, with SCS
 SB 390-Schmitt, et al
 SBs 408 & 80-Crowell, with SCS
 SB 420-Mayer, with SCS
 SJR 11-Munzlinger, with SCS
 SJR 15-Nieves, et al, with SS (pending)

HOUSE BILLS ON THIRD READING

HCS for HB 61
 SS for HB 71-Nasheed, et al (Engler) (In
 Fiscal Oversight)
 HCS for HB 111, with SCS & SS for SCS
 (pending) (Goodman)
 HCS for HBs 112 & 285, with SCS (Brown)
 HCS for HB 143 (Goodman)
 HB 167-Nolte, et al, with SCA 1
 (pending) (Nieves)
 HCS for HB 336 (Schmitt)
 HB 361-Leara (Cunningham)
 HB 402-Diehl and Korman (Wasson)
 HB 442-Franz, with SA 2 (pending)
 (Parson)
 HB 462-Pollock, with SCS (Lager)
 HCS for HB 473, with SS & SA 1 (pending)
 (Stouffer)
 HCS for HB 523, with SCS (Pearce)
 HB 525-Molendorp (Rupp)

HCS for HB 545, with SCS & SS for SCS
 (pending) (Schaaf)
 HCS for HB 556
 HCS for HB 562, with SCS & SA 2
 (pending) (Schmitt)
 HCS for HBs 600, 337 & 413, with SCS
 (Goodman)
 HCS#2 for HB 609, with SCS (pending)
 (Wasson)
 SS for SCS for HCS for HB 697 (Dixon)
 (In Fiscal Oversight)
 HB 708-Curtman, et al, with SCS (pending)
 (Nieves)
 HB 738-Nasheed, et al, with SCS
 (pending) (Cunningham)
 HCS for HJR 3 (Brown)
 HJR 6-Cierpiot, et al (Cunningham)
 HJR 29-Solon, et al, with SA 1 (pending)
 (Munzlinger)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 17-Lembke, with HCS, as
 amended

SCS for SBs 26 & 106-Wasson, with HA 1,
 HA 2 & HA 3

SS for SCS for SB 58-Stouffer and
Lembke, with HCS, as amended
SB 71-Parson, with HSA 1 for HA 1, as
amended & HA 2
SB 77-Stouffer, with HCS
SCS for SB 162-Munzlinger, with HCS#2,
as amended

SCS for SB 213-Schaefer, with HCS
SCS for SB 219-Wasson, with HCS, as
amended
SCS for SB 323-Schaefer, with HA 1 & HA 3
SS for SB 360-Lager, with HCS, as amended

**BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES**

In Conference

SS#2 for SCS for SB 8-Goodman, with HCS,
as amended (Further conference granted)
SCS for SB 29-Brown, with HCS, as amended
SB 48-Wright-Jones, with HCS, as amended
SCS for SB 60-Keaveny, with HCS, as amended
SS for SCS for SB 70-Schaefer, with HA 1 &
HA 2
SCS for SB 81-Pearce, with HA 1, HA 2,
as amended & HA 3
SCS for SB 117-Engler, with HCS#2, as
amended
SS for SB 135-Schaefer, with HCS, as
amended (Senate adopted CCR and
passed CCS)
SB 145-Dempsey, with HCS, as amended
SCS for SB 177-Brown, with HCS, as
amended
SS for SB 226-Engler, with HCS, as
amended (Senate adopted CCR and
passed CCS)
SB 250-Kehoe, with HCS, as amended
(Senate adopted CCR#2 and passed CCS#2)

SS for SCS for SB 254-Stouffer, with
HCS, as amended
SCS for SB 270-Kraus, with HCS, as
amended (Senate defeated CCR)
SB 282-Engler, with HCS, as amended
(Senate adopted CCR and passed CCS)
SB 284-Wasson, with HCS, as amended
(Senate adopted CCR and passed CCS)
SB 322-Schaefer, with HCS, as amended
SCS for SB 356-Munzlinger, with HCS, as
amended (Further conference granted)
HCS for HBs 116 & 316, with SS for SCS,
as amended (Purgason)
HCS for HB 430, with SS for SCS, as
amended (Stouffer)
HB 458-Loehner, et al, with SS,
as amended (Brown)
HB 737-Redmon and Shumake, with SCS
(Lager)

Requests to Recede or Grant Conference

SB 61-Keaveny, with HCS, as amended
(Senate requests House recede and
pass the bill)

SS for SB 202-Crowell, with HCS, as
amended (Senate requests House
recede and pass the bill)

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SS for SB 238-Schmitt, with HA 1 & HA 2
(Senate requests House recede and
pass the bill)

RESOLUTIONS

Reported from Committee

SR 179-Purgason

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Journal of the Senate

FIRST REGULAR SESSION

SIXTY-NINTH DAY—FRIDAY, MAY 13, 2011

The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

“Therefore nothing should give comfort and joy to those who love you as much as knowing that your will and purposes are accomplished in them.” (Thomas a Kempis)

Gracious God, this is it, our last day to try to get a lot done in a short amount of time. And whether we get that last minute bill before the body or last ditch effort to pass what we consider important legislation, let us be mindful that our comfort and joy comes from our relationship with You and our efforts to follow Your lead and accomplish it in what we have done here, for Your will and honor are more important than anything else. And may we all know Your blessings this day and end the day in praise and thanksgiving. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

President Kinder assumed the Chair.

The Journal of the previous day was read and approved.

Senator Dempsey announced that photographers from Missouri News Horizon, Associated Press, KRCG-TV, Star Journal, Missouri Lawyers Media, Columbia Daily Tribune and ABC 17/KMIZ were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senators Cunningham and Green offered Senate Resolution No. 1098, regarding Dr. Mary Piper, which was adopted.

Senator Crowell offered Senate Resolution No. 1099, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Milton James, Jackson, which was adopted.

Senator Parson offered Senate Resolution No. 1100, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Gary Montgomery, Stockton, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Purgason, Chairman of the Committee on Ways and Means and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Ways and Means and Fiscal Oversight, to which were referred **HCS** for **HJR 16**, with **SCS**, and **SS** for **SCS** for **HCS** for **HB 697**, begs leave to report that it has considered the same and recommends that the joint resolution and bill do pass.

HOUSE BILLS ON THIRD READING

Senator Dixon moved that **SS** for **SCS** for **HCS** for **HB 697** be called from the Informal Calendar and taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HCS** for **HB 697** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Justus	Keaveny	Kehoe	Kraus	Lamping	Lembke
Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Richard	Rupp
Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—30		

NAYS—Senators—None

Absent—Senators

Green	Lager	Purgason	Ridgeway—4
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Dixon, title to the bill was agreed to.

Senator Dixon moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Schaefer, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **SB 70**, with **HA 1** and **HA 2**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 70

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for Senate Bill No. 70, with House Amendment Nos. 1 and 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 70, as amended;
2. The Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 70;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 70 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Kurt Schaefer
/s/ Dan Brown, DVM
/s/ Ron Richard
/s/ Joseph P. Keaveny
/s/ Timothy P. Green

FOR THE HOUSE:

/s/ Ward Franz
/s/ Jay Houghton
/s/ Don Gosen
/s/ Jeanette Mott Oxford
/s/ Susan Carlson

Senator Schaefer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Justus	Kehoe	Kraus	Lamping	Lembke	Mayer
McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard	Rupp
Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—30		

NAYS—Senators—None

Absent—Senators

Green	Keaveny	Lager	Ridgeway—4
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Absent with leave—Senators—None

Vacancies—None

On motion of Senator Schaefer, **CCS** for **SS** for **SCS** for **SB 70**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 70

An Act to repeal sections 402.199, 402.200, 402.205, 402.210, 402.215, 402.217, 402.220, 473.657, and 475.093, RSMo, and section 402.210 as truly agreed to and finally passed by senate substitute no. 2 for house bill no. 648, ninety-sixth general assembly, first regular session, and to enact in lieu thereof twelve new sections relating to the Missouri family trust.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Justus	Kehoe	Kraus	Lamping	Lembke	Mayer
McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard	Rupp
Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—30		

NAYS—Senators—None

Absent—Senators

Green	Keaveny	Lager	Ridgeway—4
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Senator Pearce assumed the Chair.

Senator Wright-Jones, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 48**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 48

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 48, with

House Amendment Nos. 1, 2, 3, 4, 5, & 6, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 48, as amended;
2. The Senate recede from its position on Senate Bill No. 48;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 48 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Robin Wright-Jones

/s/ Timothy P. Green

/s/ Brad Lager

/s/ Kurt Schaefer

/s/ Bob Dixon

FOR THE HOUSE:

/s/ Darrell Pollock

/s/ Jason Smith

/s/ Rodney Schad

/s/ Jacob Hummel

/s/ Steve Webb

Senator Wright-Jones moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Justus	Keaveny	Kehoe	Kraus	Lamping	Lembke
Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Richard	Ridgeway
Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senators

Green	Lager	Purgason—3
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Absent with leave—Senators—None

Vacancies—None

On motion of Senator Wright-Jones, **CCS** for **HCS** for **SB 48**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 48

An Act to repeal sections 250.236, 386.420, 386.490, 386.510, 386.515, 386.520, 386.530, 386.540, and 393.015, RSMo, and to enact in lieu thereof eleven new sections relating to utilities, with an emergency clause for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Justus	Keaveny	Kehoe	Kraus	Lamping	Lembke
Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Richard	Ridgeway
Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senators

Green	Lager	Purgason—3
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Green	Purgason—2
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Absent with leave—Senators—None

Vacancies—None

On motion of Senator Wright-Jones, title to the bill was agreed to.

Senator Wright-Jones moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Senator Engler, on behalf of the conference committee appointed to act with a like committee from the House on **HCS No. 2** for **SCS** for **SB 117**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 117

The Conference Committee appointed on House Committee Substitute No. 2 for Senate Committee

Substitute for Senate Bill No. 117, with House Amendment Nos. 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, & 15, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 117, as amended;

2. The Senate recede from its position on Senate Committee Substitute for Senate Bill No. 117;

3. That the attached Conference Committee Substitute for House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 117 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Kevin Engler

/s/ Jason Crowell

/s/ Eric Schmitt

/s/ Jolie Justus

/s/ Maria Chappelle-Nadal

FOR THE HOUSE:

/s/ Tom Flanigan

/s/ Shelley Keeney

/s/ Paul Fitzwater

/s/ Jacob Hummel

/s/ Chris Kelly

Senator Engler moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Curls	Dempsey	Engler	Goodman
Justus	Keaveny	Kehoe	Lager	Lamping	Lembke	Mayer	McKenna
Munzlinger	Nieves	Parson	Pearce	Purgason	Richard	Ridgeway	Rupp
Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—30		

NAYS—Senators

Cunningham Kraus—2

Absent—Senators

Dixon Green—2

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Engler, **CCS** for **HCS No. 2** for **SCS** for **SB 117**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 117

An Act to repeal sections 67.1303, 67.1521, 94.900, 140.410, 140.660, 144.032, RSMo, and to enact in lieu thereof eight new sections relating to certain taxes imposed by political subdivisions, with an

emergency clause for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Curls	Dempsey	Dixon	Engler
Goodman	Justus	Keaveny	Kehoe	Lager	Lamping	Lembke	Mayer
McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard	Ridgeway
Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—31	

NAYS—Senators

Cunningham Kraus—2

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Curls	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Lager	Lamping	Lembke
Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators

Cunningham Kraus—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Senator Munzlinger, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 356**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT NO. 2 ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 356

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 356, with House Amendments Nos. 1, 2, 3, & 4, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 356, as amended;
2. The Senate recede from its position on Senate Committee Substitute for Senate Bill No. 356;
3. That the attached Conference Committee Substitute No. 2 for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 356, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Brian Munzlinger

/s/ Michael Parson

/s/ Dan Brown, DVM

/s/ Victor E. Callahan

/s/ Jolie Justus

FOR THE HOUSE:

/s/ Tom Loehner

Rodney Schad

/s/ Billy Pat Wright

/s/ Jason Holsman

/s/ Ben Harris

Senator Munzlinger moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Munzlinger, **CCS No. 2** for **HCS** for **SCS** for **SB 356**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 356

An Act to repeal sections 21.801, 144.010, 144.020, 144.030, 144.070, 263.190, 263.200, 263.205,

263.220, 263.230, 263.232, 263.240, 263.241, 263.450, 268.121, 275.360, 276.401, 276.416, 276.421, 276.436, 276.441, 276.446, and 411.280, RSMo, and to enact in lieu thereof eighteen new sections relating to agriculture, with penalty provisions and an emergency clause for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Munzlinger, title to the bill was agreed to.

Senator Munzlinger moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Senator Stouffer moved that **SB 77**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 77**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 77

An Act to repeal sections 226.520 and 227.410, RSMo, and to enact in lieu thereof six new sections relating to roadway signs.

Was taken up.

Senator Stouffer moved that **HCS** for **SB 77** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Schmitt—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Stouffer, **HCS** for **SB 77** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Schmitt—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Schaefer moved that **SCS** for **SB 213**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 213**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 213

An Act to repeal sections 194.115, 475.060, and 475.061, RSMo, and to enact in lieu thereof twenty-seven new sections relating to guardianship, with a penalty provision.

Was taken up.

Senator Schaefer moved that **HCS** for **SCS** for **SB 213** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Schaefer, **HCS** for **SCS** for **SB 213** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

HCS for **HB 555**, with **SCS**, was placed on the Informal Calendar.

HCS for **HJR 16**, with **SCS**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing sections 50 and 52(a) of article III of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to initiative and referendum petitions.

Was taken up by Senator Nieves.

SCS for **HCS** for **HJR 16**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE JOINT RESOLUTION NO. 16

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing sections 50 and 52(a) of article III of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to initiative and referendum petitions.

Was taken up.

Senator Nieves moved that **SCS** for **HCS** for **HJR 16** be adopted.

Senator Stouffer assumed the Chair.

Senator Justus offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Joint Resolution No. 16, Page 1, Section 50, Line 2, by striking the opening and closing brackets as they appear on said line; and further amend said line by striking “**five and one-fourth**”; and further amend line 4 by striking the opening and closing brackets as they appear on said line; and further amend said line by striking “**three and one-fourth**”; and further amend line 5 by inserting after “voters.”, the following: “**Petitions shall be deemed invalid if signature gatherers are paid per signature.**”; and

Further amend page 2, section 52(a), line 5 by striking the opening and closing brackets as they appear on said line; and further amend said line by striking “**three and one-fourth**”; and

Further amend said resolution and page, section B, by striking all of said section from the bill.

Senator Justus moved that the above amendment be adopted.

At the request of Senator Nieves, **HCS** for **HJR 16**, with **SCS** and **SA 1** (pending), was placed on the

Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Conference Committee on **SCS** for **HB 737** has been dissolved and the House has taken up and adopted **SCS** for **HB 737** and has taken up and passed **SCS** for **HB 737**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House requests the Senate to recede from its position on **SCS** for **HCS** for **HB 250** and take up and pass **HCS** for **HB 250**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HCS** for **HB 430**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HB 430**.

PRIVILEGED MOTIONS

Senator Pearce, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **SB 81**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 81

The Conference Committee appointed on Senate Committee Substitute for Senate Bill No. 81, with House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2, as amended, and House Amendment No. 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Committee Substitute for Senate Bill No. 81, as amended;
2. The Senate recede from its position on Senate Committee Substitute for Senate Bill No. 81;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for Senate Bill No. 81 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ David Pearce

Mike Kehoe

/s/ Dan Brown, DVM

/s/ Victor E. Callahan

/s/ Joseph P. Keaveny

FOR THE HOUSE:

/s/ Keith Frederick

/s/ Doug Funderburk

/s/ Rick Stream

Chris Carter

/s/ Joe Aull

Senator Pearce moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Pearce, **CCS** for **SCS** for **SB 81**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 81

An Act to repeal sections 143.183, 163.037, and 165.011, RSMo, and to enact in lieu thereof three new sections relating to education, with an emergency clause for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
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Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Senator Pearce assumed the Chair.

Senator Stouffer, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 430**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 430

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 430, with Senate Amendment Nos. 1, 2, 3, 4, 7, 8, 9, 11, and 12, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 430, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 430;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 430, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Eric Burlison

/s/ Shane Schoeller

/s/ Charlie Denison

/s/ Jill Schupp

/s/ Tishaura Jones

FOR THE SENATE:

/s/ Bill Stouffer

/s/ Jay Wasson

/s/ Ron Richard

/s/ Ryan McKenna

/s/ Jolie Justus

Senator Stouffer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Stouffer	Wasson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senators

Engler	Purgason	Schmitt—3
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Absent with leave—Senators—None

Vacancies—None

On motion of Senator Stouffer, **CCS** for **SS** for **SCS** for **HCS** for **HB 430**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 430

An Act to repeal sections 21.795, 70.441, 226.540, 227.107, 301.010, 301.147, 301.225, 301.559, 301.560, 301.562, 301.3084, 302.302, 302.309, 302.341, 302.700, 304.120, 304.180, 304.200, 387.040, 387.050, 387.080, 387.110, 387.207, 390.051, 390.061, 390.116, 390.280, and 577.023, RSMo, and to enact in lieu thereof forty-two new sections relating to transportation, with penalty provisions, a contingent effective dates for certain sections, and effective dates for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Purgason	Schmitt—2
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Senator Goodman, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS No. 2** for **SCS** for **SB 8**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT NO. 2 ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 8

The Conference Committee appointed on House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 8, with House Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 8, as amended;

2. The Senate recede from its position on Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 8;

3. That the attached Conference Committee Substitute No. 2 for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 8, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Jack A.L. Goodman

/s/ Jason G. Crowell

/s/ David Pearce

/s/ Victor E. Callahan

/s/ Timothy P. Green

FOR THE HOUSE:

/s/ Barney Fisher

/s/ Jerry Nolte

/s/ Todd Richardson

/s/ Tim Meadows

/s/ Kevin McManus

Senator Goodman moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer—30		

NAYS—Senator Wright-Jones—1

Absent—Senators

Curls Purgason Wasson—3

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Goodman, **CCS No. 2** for **HCS** for **SS No. 2** for **SCS** for **SB 8**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 8

An Act to repeal section 287.120, RSMo, and to enact in lieu thereof one new section relating to workers' compensation.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson—32

NAYS—Senator Wright-Jones—1

Absent—Senator Purgason—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

On motion of Senator Dempsey, the Senate recessed until 2:15 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Pearce.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **HB 458**, as amended, and has taken up and passed **CCS** for **SS** for **HB 458**.

PRIVILEGED MOTIONS

Senator Stouffer moved that the Senate recede from its position on **SCS** for **HCS** for **HB 250**, and **HCS** for **HB 250** be taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Stouffer, **HCS** for **HB 250** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Engler—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Senator Brown, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **HB 458**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE SUBSTITUTE FOR HOUSE BILL NO. 458

The Conference Committee appointed on Senate Substitute for House Bill No. 458, with Senate Amendment No. 1 and Senate Amendment No.2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for House Bill No. 458, as amended;
2. That the House recede from its position on House Bill No. 458;
3. That the attached Conference Committee Substitute for Senate Substitute for House Bill No. 458, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Tom Loehner
 /s/ Glen Klippenstein
 /s/ Sue Entlicher
 /s/ Joe Aull
 /s/ Tom Shively

FOR THE SENATE:

/s/ Dan Brown, DVM
 /s/ Brian Munzlinger
 /s/ Kurt Schaefer
 /s/ Victor E. Callahan
 /s/ Jolie Justus

Senator Brown moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaefer	Schmitt	Stouffer	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Schaaf Wasson—2

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Brown, **CCS** for **SS** for **HB 458**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
 SENATE SUBSTITUTE FOR
 HOUSE BILL NO. 458

An Act to repeal sections 144.030, 263.190, 263.200, 263.205, 263.220, 263.230, 263.232, 263.240, 263.241, 263.450, 268.121, 276.401, 276.416, 276.421, 276.436, 276.441, 276.446, and 411.280, RSMo, and to enact in lieu thereof thirteen new sections relating to agriculture, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaefer	Schmitt	Stouffer	Wasson
Wright-Jones—33							

NAYS—Senators—None

Absent—Senator Schaaf—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 555**, with **SCS**, entitled:

An Act to repeal sections 8.241, 178.900, 189.010, 189.065, 192.005, 198.012, 205.968, 208.151, 208.152, 208.275, 208.955, 209.150, 209.152, 209.200, 210.496, 210.900, 211.031, 211.202, 211.203, 211.206, 211.207, 211.447, 301.143, 402.210, 453.070, 475.121, 475.355, 476.537, 552.015, 552.020, 552.030, 552.040, 630.003, 630.005, 630.010, 630.053, 630.095, 630.097, 630.120, 630.165, 630.183, 630.192, 630.210, 630.335, 630.405, 630.425, 630.510, 630.605, 630.610, 630.635, 630.705, 630.715, 630.735, 632.005, 632.105, 632.110, 632.115, 632.120, 632.370, 632.380, 633.005, 633.010, 633.020, 633.029, 633.030, 633.045, 633.050, 633.110, 633.115, 633.120, 633.125, 633.130, 633.135, 633.140, 633.145, 633.150, 633.155, 633.160, 633.180, 633.185, 633.190, 633.210, 633.300, 633.303, 633.309, and 660.405, RSMo, and to enact in lieu thereof ninety new sections relating to the Missouri most vulnerable persons (MVP) act, with existing penalty provisions.

Was called from the Informal Calendar and taken up by Senator Schmitt.

SCS for **HCS** for **HB 555**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 555

An Act to repeal sections 8.241, 178.900, 189.010, 189.065, 192.005, 198.012, 205.968, 208.151, 208.275, 208.955, 210.496, 210.900, 211.031, 211.202, 211.203, 211.206, 211.207, 211.447, 301.143, 332.021, 334.120, 402.210, 453.070, 475.121, 475.355, 476.537, 552.015, 552.020, 552.030, 552.040, 630.003, 630.005, 630.010, 630.053, 630.095, 630.097, 630.120, 630.165, 630.167, 630.183, 630.192, 630.210, 630.335, 630.405, 630.425, 630.510, 630.605, 630.610, 630.635, 630.705, 630.715, 630.735, 632.005, 632.105, 632.110, 632.115, 632.120, 632.370, 632.380, 633.005, 633.010, 633.020, 633.029, 633.030, 633.045, 633.050, 633.110, 633.115, 633.120, 633.125, 633.130, 633.135, 633.140, 633.145, 633.150, 633.155, 633.160, 633.180, 633.185, 633.190, 633.210, 633.300, 633.303, and 633.309, RSMo, and to enact in lieu thereof eighty-four new sections relating to health care policies, with existing penalty provisions.

Was taken up.

Senator Schmitt moved that **SCS** for **HCS** for **HB 555** be adopted.

Senator Schmitt offered **SS** for **SCS** for **HCS** for **HB 555**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 555

An Act to repeal sections 8.241, 178.900, 189.010, 189.065, 192.005, 198.012, 205.968, 208.151, 208.275, 208.955, 210.101, 210.496, 210.900, 211.031, 211.202, 211.203, 211.206, 211.207, 211.447, 301.143, 332.021, 334.120, 453.070, 475.121, 475.355, 476.537, 552.015, 552.020, 552.030, 552.040, 630.003, 630.005, 630.010, 630.053, 630.095, 630.097, 630.120, 630.165, 630.167, 630.183, 630.192, 630.210, 630.335, 630.405, 630.425, 630.510, 630.605, 630.610, 630.635, 630.705, 630.715, 630.735, 632.005, 632.105, 632.110, 632.115, 632.120, 632.370, 632.380, 633.005, 633.010, 633.020, 633.029, 633.030, 633.045, 633.050, 633.110, 633.115, 633.120, 633.125, 633.130, 633.135, 633.140, 633.145, 633.150, 633.155, 633.160, 633.180, 633.185, 633.190, 633.210, 633.300, 633.303, and 633.309, RSMo, and to enact in lieu thereof eighty-seven new sections relating to health care policies, with existing penalty provisions.

Senator Schmitt moved that **SS** for **SCS** for **HCS** for **HB 555** be adopted.

Senator Ridgeway offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 555, Pages 24-25, Section 208.184, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Schmitt moved that **SS** for **SCS** for **HCS** for **HB 555**, as amended, be adopted, which motion prevailed.

On motion of Senator Schmitt, **SS** for **SCS** for **HCS** for **HB 555**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	McKenna	Nieves	Parson	Pearce	Purgason	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Mayer Munzlinger—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schmitt, title to the bill was agreed to.

Senator Schmitt moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Schaefer moved that **SCS** for **SB 323**, with **HA 1** and **HA 3** be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

Senator Schaefer moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lamping	McKenna
Nieves	Parson	Pearce	Richard	Ridgeway	Rupp	Schaaf	Schaefer
Schmitt	Stouffer	Wasson	Wright-Jones—28				

NAYS—Senators

Crowell	Lager	Lembke	Purgason—4
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Absent—Senators

Mayer	Munzlinger—2
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Absent with leave—Senators—None

Vacancies—None

HA 3 was taken up.

Senator Schaefer moved that the above amendment be adopted.

At the request of Senator Schaefer, the motion to adopt **HA 3** was withdrawn, which placed the bill back on the calendar.

HOUSE BILLS ON THIRD READING

Senator Goodman moved that **HCS** for **HB 111**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Goodman, **SS** for **SCS** for **HCS** for **HB 111** was withdrawn.

Senator Goodman offered **SS No. 2** for **SCS** for **HCS** for **HB 111**, entitled:

SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 111

An Act to repeal sections 144.032, 302.020, 302.321, 303.025, 311.325, 351.340, 452.340, 475.060,

475.061, 475.115, 477.650, 484.350, 523.040, 544.455, 544.470, 557.011, 566.086, 566.147, 568.040, 570.080, 578.150, and 589.040, RSMo, and to enact in lieu thereof fifty-three new sections relating to the judiciary, with penalty provisions, and an emergency clause for certain sections.

Senator Goodman moved that **SS No. 2** for **SCS** for **HCS** for **HB 111** be adopted.

Senator Goodman offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 111, Page 28, Section 452.340, Line 22 of said page, by striking the word “shall” and inserting in lieu thereof the word “**may**”.

Senator Goodman moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Goodman, **HCS** for **HB 111**, with **SCS** and **SS No. 2** for **SCS**, as amended (pending), was placed on the Informal Calendar.

Senator Ridgeway assumed the Chair.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Schaefer moved that the vote by which **HA 1** to **SCS** for **SB 323** was adopted, be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer

Wasson—33

NAYS—Senators—None

Absent—Senator Wright-Jones—1

Absent with leave—Senators—None

Vacancies—None

At the request of Senator Schaefer, the motion to adopt **HA 1** was withdrawn.

Senator Schaefer moved that the Senate refuse to concur in **HA 1** and **HA 3** to **SCS** for **SB 323** and request the House to recede from its position on **HA 1** and **HA 3** and take up and pass **SCS** for **SB 323**, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS No. 2** for **SCS** for **SB 62**, entitled:

An Act to repeal sections 190.839, 191.227, 198.439, 208.437, 208.480, 338.550, and 633.401, RSMo,

and to enact in lieu thereof seven new sections relating to health care providers.

With House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2 and House Amendment No. 2, as amended.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 62, Section 190.389, Page 1, Line 1, by deleting the year “**2016**” and inserting in lieu thereof the year “**2015**”; and

Further amend said bill, Section 198.439, Page 2, Line 1, by deleting the year “**2016**” and inserting in lieu thereof the year “**2015**”; and

Further amend said Bill, Section 208.437, Page 3, Line 26, by deleting the year “**2016**” and inserting in lieu thereof the year “**2015**”; and

Further amend said Bill, Section 208.480, Page 3, Line 2, by deleting the year “**2016**” and inserting in lieu thereof the year “**2015**”; and

Further amend said Bill, Section 338.550, Page 3, Lines 9 and 16, by deleting the year “**2016**” and inserting in lieu thereof the year “**2015**”; and

Further amend said Bill, Section 633.401, Page 6, Line 94, by deleting the year “**2016**” and inserting in lieu thereof the year “**2015**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 62, Page 1, Section 376.1190, Line 22, by deleting the words “this section” on said line and adding in lieu thereof the words: “subsections 1 and 2”.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 62, Section 338.550, Page 3, Line 16, by inserting after all of said section and line the following:

“376.1190. 1. Health carriers shall permit individuals to learn the amount of cost-sharing, including deductibles, copayments, and coinsurance, under the individual’s health benefit plan or coverage that the individual would be responsible for paying with respect to the furnishing of a specific item or service by a participating provider in a timely manner upon the request of the individual. At a minimum, such information shall be made available to such individual through an internet website and such other means for individuals without access to the internet. As used in this section, the terms “health carrier” and “health benefit plans” shall have the same meanings assigned to them in section 376.1350.

2. This section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, hospitalization-surgical care policy, short-term

major medical policy of six months or less duration, or any other supplemental policy.

3. Any health care benefit mandate proposed after August 28, 2011, shall be subject to review by the oversight division of the joint committee on legislative research. The oversight division shall perform an actuarial analysis of the cost impact to private and public payers of any new or revised mandated health care benefit proposed by the General Assembly after August 28, 2011 and a recommendation shall be delivered to the Speaker and the President Pro Tem prior to mandate being enacted.

4. The provisions of this section shall become effective on January 1, 2014.”; and

Further amend said Bill, Section 633.401, Page 6, Line 94 by inserting after all of said section and line the following:

“Section 1. Notwithstanding the provisions of section 1.140 to the contrary, the provisions of this act shall be nonseverable, and if any provision is for any reason held to be invalid, such decision shall invalidate all of the remaining provisions of this act.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Schaaf moved that **SS No. 2 for SCS for SB 62**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SS No. 2 for SCS for SB 62, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 62

An Act to repeal sections 190.839, 191.227, 198.439, 208.437, 208.480, 338.550, and 633.401, RSMo, and to enact in lieu thereof seven new sections relating to health care providers.

Was taken up.

Senator Schaaf moved that **HCS for SS No. 2 for SCS for SB 62**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senator Justus—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Schaaf, **HCS** for **SS No. 2** for **SCS** for **SB 62**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaaf, title to the bill was agreed to.

Senator Schaaf moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

Senator Goodman moved that **HCS** for **HB 111**, with **SCS** and **SS No. 2** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS No. 2 for **SCS** for **HCS** for **HB 111**, as amended, was again taken up.

Senator Lembke offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 111, Page 26, Section 452.340, Lines 24-25 of said page, by striking said lines and inserting in lieu thereof the following: “**comments for completion of the child support guidelines and a subsequent form developed**”.

Senator Lembke moved that the above amendment be adopted, which motion prevailed.

Senator Goodman moved that **SS No. 2** for **SCS** for **HCS** for **HB 111**, as amended, be adopted, which

motion prevailed.

On motion of Senator Goodman, **SS No. 2** for **SCS** for **HCS** for **HB 111**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson
Wright-Jones—33							

NAYS—Senators—None

Absent—Senator Kraus—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HB 462, with **SCS**, introduced by Representative Pollock, entitled:

An Act to repeal section 386.850, RSMo, relating to the Missouri energy task force.

Was called from the Informal Calendar and taken up by Senator Lager.

SCS for **HB 462**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 462

An Act to repeal sections 386.370, 386.850, and 393.135, RSMo, and to enact in lieu thereof two new sections relating to the regulation of public utilities.

Was taken up.

Senator Lager moved that **SCS** for **HB 462** be adopted.

Senator Lager offered **SS** for **SCS** for **HB 462**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 462

An Act to repeal sections 386.370, 386.850, 393.135, 393.1020, 393.1025, 393.1030, 393.1045, 393.1050, and 620.010, RSMo, and to enact in lieu thereof seventeen new sections relating to public utilities, with an emergency clause.

Senator Lager moved that **SS** for **SCS** for **HB 462** be adopted.

At the request of Senator Lager, **HB 462**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has receded from its position on **HA 1** and **HA 2** to **SS** for **SB 238**, and has again taken up and passed **SS** for **SB 238**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 282**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 282**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SS** for **SB 135**, as amended, and has taken up and passed **CCS** for **HCS** for **SS** for **SB 135**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SS** for **SB 226**, as amended, and has

taken up and passed **CCS** for **HCS** for **SS** for **SB 226**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **HCS** for **SB 250**, as amended, and has taken up and passed **CCS No. 2** for **HCS** for **SB 250**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **HCS** for **SCS** for **SB 356**, as amended, and has taken up and passed **CCS No. 2** for **HCS** for **SCS** for **SB 356**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 48**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 48**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 284**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 284**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 412**, as amended, and has taken up and passed **SCS** for **HCS** for **HB 412**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **SB 70** with **HA 1** and **HA 2**, and has taken up and passed **CCS** for **SS** for **SCS** for **SB 70**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 552**, as amended, and has taken up and passed **SCS** for **HCS** for **HB 552**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS No. 2** for **SCS** for **SB 117**, as amended, and has taken up and passed **CCS** for **HCS No. 2** for **SCS** for **SB 117**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 48**.

HOUSE CONCURRENT RESOLUTION NO. 48

WHEREAS, the United States and the world find themselves dependent upon China for a group of minerals and metals known as “Rare Earth Elements” that are critical to many commercial, environmental, and defense applications; and

WHEREAS, rare earth elements represent the only known bridge to the next level of improved performance in the material properties for many metallurgical alloys, electrical conductivity, radio active shielding, and instrument sensitivity; and

WHEREAS, thorium is a naturally occurring companion element to the rare earth elements which can be extracted as a byproduct of rare earth mining at no additional expense and without creating additional mining waste; and

WHEREAS, thorium can be used as fuel in a nuclear power plant because it is a slightly radioactive metal and is 550 times more abundant than Uranium 235 needed for nuclear power; and

WHEREAS, thorium is generally considered harmless except through extreme long-term exposure or unless it is inhaled as a very fine dust; and

WHEREAS, thorium emits alpha rays which have no penetrating strength and cannot pass through human skin or thin plastic film; and

WHEREAS, thorium emits less radiation than sun light, radon from a gas stove top, potassium in a banana, X-rays, frequent air travel, and TSA full body scans; and

WHEREAS, the United States has two permitted world class rare earth mines - the Pea Ridge Mine in Washington County, Missouri, and the Mountain Pass Mine in California; and

WHEREAS, Missouri’s Pea Ridge Mine has all 17 of the recoverable rare earth elements and is the only permitted heavy rare earth mine outside of China. The Mountain Pass Mine only has 8 of the 17 recoverable rare earth elements and cannot produce rare earths; and

WHEREAS, the United States has no refining facilities to process the rare earths from the Pea Ridge Mine or manage the thorium byproduct; and

WHEREAS, a thorium-fueled nuclear reactor generates hundreds of times the power as a uranium or coal plant, but produces essentially no waste. A thorium plant would produce less than 1% of the waste that a uranium plant produces and produces no carbon or greenhouse gases, unlike coal plants; and

WHEREAS, while the waste of a uranium power plant is toxic for more than 10,000 years, the little waste that is produced by a thorium power plant is benign in less than 200 years; and

WHEREAS, a thorium power plant can be used to burn our current stockpile of nuclear waste. In addition, thorium power plants cannot “melt down”, thorium cannot practically be used to make nuclear weapons, thorium does not require any enrichment for energy use, and there is enough thorium in the United States alone to power the country at its current energy level for more than 10,000 years; and

WHEREAS, a thorium power plant can tap right in at the source of a current coal or uranium power plant without the need for laying a new grid; and

WHEREAS, through the development of a centralized rare earth-thorium facility, all thorium waste products can be managed and

controlled in an environmentally safe manner; and

WHEREAS, China's monopoly on production of rare earth elements is posed to capture emerging technologies and manufacturing facilities from around the world, in exchange for supply contracts; and

WHEREAS, absent any new production, Asia will soon consume 100% of the world's production of rare earth elements; and

WHEREAS, China's National Industrial Policy of Rare Earth Dominance cannot be challenged by private investment. The United States must develop a National Domestic Rare Earth Refinery to survive; and

WHEREAS, unless the United States Congress makes changes, our rare earths will be sent to China for processing and they will not come back for use in the United States; and

WHEREAS, with its Pea Ridge Mine, Missouri can become the exclusive producer of heavy rare earths in the United States and attract new high tech companies from around the world:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, First Regular Session, the Senate concurring therein, hereby:

(1) Strongly support the development of thorium energy and the Pea Ridge Mine in Washington County, Missouri, in its efforts to extract thorium as a byproduct of rare earth element mining; and

(2) Strongly urge the United States Congress to support the use of thorium as a safe, efficient fuel source by taking the necessary steps to allow the Pea Ridge Mine in Missouri to extract thorium as a byproduct of rare earth elements mining and for the development of the refineries necessary to support thorium power plants; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Majority and Minority Leaders of the United States Congress and each member of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 53**.

HOUSE CONCURRENT RESOLUTION NO. 53

WHEREAS, the average price of gasoline has risen to nearly \$4.00 a gallon and are projected to remain there or go even higher as the summer months approach; and

WHEREAS, numerous components make up the price of gasoline, including the cost of crude oil (45%), federal and state taxes (23%), refining costs (22%), and marketing and distribution costs (10%). These components are affected by many factors; and

WHEREAS, the three main factors that contribute to changes in the price of gasoline are changes in crude oil prices, the transparency of energy markets, and regulations that affect the price of gasoline; and

WHEREAS, there is very little government can do about crude oil prices and transparency. Crude oil prices are affected by world supply and demand, which continues to grow and most rapidly in Asia. Transparency produces highly efficient markets, but it also increases volatility. Any reduction in transparency would offset efficiency; and

WHEREAS, while states have limited authority and options available to attempt to reverse the soaring fuel prices and alleviate the growing financial burden on its citizenry, the federal government is able to ease the pressure on prices and reduce volatility by reducing its own interference in the market - most directly by the way of taxes and regulation; and

WHEREAS, federal regulations have contributed significantly to the high price, high volatility environment facing consumers today. These regulations have led to the proliferation of numerous fuel blends - known as "boutique fuels" - which in turn have increased refining and distribution costs; and

WHEREAS, in addition to addressing the boutique fuel problem, Congress and the Administration should reform other Clean Air Act regulations that have resulted in the halt of construction of new refinery capacity and offshore drilling. More production and refinery capacity is needed to ease the pressure on the production system; and

WHEREAS, federal regulations are also affecting gasoline imports because foreign suppliers are unable to keep up with the increasing complexity of federal gasoline requirements. Volatility in the Middle East also threatens our second largest supplier of oil - OPEC; and

WHEREAS, while changes in federal regulations and policies are needed as a long-term solution, the federal government is able to impact gasoline prices in the short-term as well; and

WHEREAS, in the short-term, the Environmental Protection Agency should temporarily suspend clean-fuel requirements and reduce the number of fuel specifications across the country by offering a limited menu of fuel choices that states and localities can choose from; and

WHEREAS, with crude oil costs being the single largest component in the cost of gasoline, the only real impact on crude oil prices is the threat of competition; and

WHEREAS, the leading supplier of oil to the United States market is Canada, with Mexico as the third leading supplier. There are enough oil and gas resources under the ground of those two reliable neighbors to supply the United States at current consumption levels for the next 100 years; and

WHEREAS, by lowering any remaining cross-border barriers to energy imports and by increasing the capacity of cross-border distribution systems, Congress can lower the cost to both Canada and Mexico of shipping oil to the United States, thereby inducing them to bring more supply on line; and

WHEREAS, in order to reduce our dependence on foreign oil, Congress and the Administration should find ways to facilitate the building of new refineries, and an increase in production by permitting the uncapping of existing wells and the drilling of new wells; and

WHEREAS, Congress and the Administration should strive to maintain a well-functioning gasoline market for the good of the economy, without interfering in the marketplace. Changes in federal regulation, introduction of fuel flexibility, removing impediments to importation of fuel from Canada and Mexico, increasing refinery capacity and pipeline construction, as well as greater domestic oil exploration and opening additional areas of production would begin to ease the rising cost of fuels and reduce our dependence on foreign sources of oil:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, First Regular Session, the Senate concurring therein, hereby strongly urge the United States Congress and the Obama Administration to immediately seek long-term and short-term solutions to the rapidly rising fuel costs to ease the financial burden on its citizens and prevent a second recession; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for President Barack Obama; Lisa P. Jackson, Administrator of the Environmental Protection Agency; the Majority and Minority Leaders of the United States Congress; and each member of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **SB 81**, as amended, and has taken up and passed **CCS** for **SCS** for **SB 81**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HA 1** and **HA 3** to **SCS** for **SB 323** and request the Senate to concur in **HA 1** and **HA 3** and take up and pass **SCS** for **SB 323**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS No. 2** for **SCS** for **HCS** for **HBs 294, 123, 125, 113, 271** and **215** as amended, and has taken up and passed **SS No. 2** for **SCS** for **HCS** for **HBs 294, 123, 125, 113, 271** and **215** as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HCS No. 2** for **SCS** for **SB 100**, entitled:

An Act to repeal sections 32.028, 32.087, 32.115, 105.716, 135.025, 135.030, 135.352, 135.484, 135.630, 135.647, 135.1150, 144.083, 168.071, 196.1109, 196.1115, 215.020, 253.545, 253.550, 253.557, 253.559, 348.251, 348.256, 348.261, 348.262, 348.263, 348.264, 348.271, 348.300, 447.708, 620.1878, 620.1881, and 620.1900, RSMo, and to enact in lieu thereof sixty-two new sections relating to economic incentives and taxation policy, with a penalty provision and an emergency clause for certain sections.

With House Amendment No. 1, House Amendment No. 2 to House Amendment No. 2 and House Amendment No. 2, as amended.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 100, Pages 1 - 2, Section 32.028, by striking all of said Section from the bill and inserting in lieu thereof the following:

“32.028. 1. There is hereby created a department of revenue in charge of a director appointed by the governor, by and with the advice and consent of the senate. The department shall collect all taxes and fees **and may collect, upon referral by a state agency, debts owed to any state agency subject to section 32.420**, payable to the state as provided by law.

2. The powers, duties and functions of the department of revenue, chapter 32 and others, are transferred by type I transfer to the department of revenue. All powers, duties and function of the collector of revenue are transferred to the director of the department by type I transfer and the position of collector of revenue is abolished.

3. The powers, duties and functions of the state tax commission, chapter 138 and others, are transferred by type III transfer to the department of revenue.

4. All of the powers, duties and functions of the state tax commission relating to administration of the corporation franchise tax, chapter 152, and others, are transferred by type I transfer to the department of revenue; provided, however, that the provision of section 138.430 relating to appeals from decisions of the director of revenue shall apply to these taxes.

5. All the powers, duties and functions of the highway reciprocity commission, chapter 301, are transferred by type II transfer to the department of revenue.

32.058. For all years beginning after January 1, 2012, notwithstanding the certified mail provisions contained in chapters 32, 140, 142, 143, 144, 147, 148, 149, and 302, the director of revenue may choose to mail any document by first class mail.”; and

Further amend said bill, Pages 10 - 12, Section 32.385, by striking all of said section from the bill and inserting in lieu thereof the following:

“32.385. 1. The director of revenue and the commissioner of administration may jointly enter into a reciprocal collection and offset of indebtedness agreement with the federal government, under which the state will offset from state tax refunds and from payments otherwise due to vendors and contractors providing goods or services to state departments, agencies, or other state agencies nontax debt owed to the federal government; and the federal government will offset from federal payments to vendors, contractors, and taxpayers debt owed to the state of Missouri.

2. When used in this section, the following words, terms, and phrases are defined as set forth herein:

(1) “Federal official” means a unit or official of the federal government charged with the collection of nontax liabilities payable to the federal government under 31 U.S.C. Section 3716;

(2) “State agency” means any department, division, board, commission, office, or other agency of the state of Missouri;

(3) “Nontax liability due the state” means a liability certified to the director of revenue by a state agency and shall include, but shall not be limited to, fines, fees, penalties, and other nontax assessments imposed by or payable to any state agency that is finally determined to be due and owing;

(4) “Person” means an individual, partnership, society, association, joint stock company, corporation, public corporation, or any public authority, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity whether appointed by a court or otherwise, and any combination of the foregoing;

(5) “Refund” means an amount described as a refund of tax under the provisions of the state tax law that authorized its payment;

(6) “Vendor payment” means any payment, other than a refund, made by the state to any person or entity, and shall include but shall not be limited to any expense reimbursement to an employee of the state; but shall not include a person’s salary, wages, or pension;

(7) “Offset agreement” is the agreement authorized by this section.

3. Under the offset agreement, a federal official may:

(1) Certify to the state of Missouri the existence of a person’s delinquent nontax liability owed by the person to the federal government;

(2) Request that the state of Missouri withhold any refund and vendor payment to which the person is entitled;

(3) Certify and request the state of Missouri to withhold a refund or vendor payment only if the laws of the United States:

(a) Allow the state of Missouri to enter into a reciprocal agreement with the United States, under which the federal official would be authorized to offset federal payments to collect delinquent tax and nontax debts owed to the state; and

(b) Provide for the payment of the amount withheld to the state;

(4) Retain a portion of the proceeds of any collection offset as provided under the offset agreement.

4. Under the offset agreement, a certification by a federal official to the state of Missouri shall include:

(1) The full name of the person and any other names known to be used by the person;

(2) The Social Security number or federal tax identification number;

(3) The amount of the nontax liability; and

(4) A statement that the debt is past due and legally enforceable in the amount certified.

5. If a person for whom a certification is received from a federal official is due a refund of Missouri tax or a vendor payment, the agreement may provide that the state of Missouri shall:

(1) Withhold a refund or vendor payment that is due a person whose name has been certified by a federal official;

(2) In accordance with the provisions of the offset agreement, notify the person of the amount withheld in satisfaction of a liability certified by a federal official;

(3) Pay to the federal official the lesser of:

(a) The entire refund or vendor payment; or

(b) The amount certified; and

(4) Pay any refund or vendor payment in excess of the certified amount to the person.

6. Under the agreement, the director of revenue shall:

(1) Certify to a federal official the existence of a person's delinquent tax or nontax liability due the state owed by the person to any state agency;

(2) Request that the federal official withhold any eligible vendor payment to which the person is entitled; and

(3) Provide for the payment of the amount withheld to the state.

7. A certification by a state agency to the director of revenue and by the director of revenue to the federal official under the offset agreement shall include:

(1) The full name and address of the person and any other names known to be used by the person;

(2) The Social Security number or tax identification number;

(3) The amount of the tax or nontax liability;

(4) A statement that the debt is past due and legally enforceable in the amount certified; and

(5) Any other information required by federal statute or regulation applicable to the collection of the debt by offset of federal payments.

8. Any other provisions of law to the contrary notwithstanding, the director of revenue and the commissioner of administration shall have the authority to enter into reciprocal agreements with any other state which extends a like comity to this state to offset from state tax refunds and from payments otherwise due to vendors and contractors providing goods or services to state departments, agencies, or other state agencies nontax debt for debts due the other state that extends a like comity to this state.”; and

Further amend said bill, Sections 32.420, 32.430, 32.440, 32.450, 32.460, Pages 12 - 14, by striking all of said sections from the bill and inserting in lieu thereof the following:

“32.420. 1. Notwithstanding any other provision of law to the contrary, all state agencies may refer to the department for collection debts owed to them. The department may provide collection services on debts referred to the department by a state agency. This authority shall not supersede the authority granted to the attorney general pursuant to section 27.060 or any other statute.

2. A referring agency may refer the debt to the department for collection at any time after a debt becomes delinquent and uncontested and the debtor has no further administrative appeal of the amount of the debt. Methods and procedures for referral must follow internal guidelines prepared by the department.

3. The collection procedures and remedies under this chapter are in addition to any other procedure or remedy available by law. If the state agency's applicable state or federal law requires the use of a particular remedy or procedure for the collection of a debt, that particular remedy or procedure governs the collection of that debt to the extent the procedure or remedy is inconsistent with this chapter.

4. The state agency shall send notice to the debtor by United States regular mail at the debtor's last known address at least twenty days before the debt is referred to the department. The notice shall state the nature and amount of the debt, identify to whom the debt is owed, and inform the debtor of the remedies available under this chapter or the state agency's own procedures.

32.430. 1. The department may establish policies and procedures to use the collection remedy afforded under section 143.902 in filing a lien with the county recorder of deeds and the filing of a certificate of lien with the circuit court. The department may also use collection remedies afforded under any chapter for collection of any state debt referred to the department. Debtors shall have all rights afforded under sections 32.410 to 32.470 to notice and to challenge the department's collection. The department shall not have authority to prosecute or defend civil actions on behalf of any other state agency, except as necessary to defend any challenges made to actions pursuant to section 143.902 or 143.910 for a debt referred by a state agency or to prosecute an action pursuant to subsection 10 of section 104.910.

2. Venue for any suit filed in aid of collection of a state debt referred to the department shall be in Cole County. If a judgment or a lien was filed with a circuit clerk prior to the date the debt was referred to the department, the venue shall be the county in which the judgment or lien was filed.

3. The department is authorized to employ department staff and attorneys, and at the department's discretion, the attorney general and prosecuting attorneys and private collection agencies as authorized in sections 136.150 and 140.850 in seeking collection of debts referred to the department by a state agency.

32.440. 1. The department shall add to the amount of debt referred to the department by a state agency the cost of collection which shall be ten percent of the total debt referred by the state agency. The department shall have the same authority to collect the cost of collection as the department has in collecting the debt referred by the state agency.

2. The cost of collection shall only be waived when:

(1) Within thirty days after the initial notice to the debtor by the department, the debtor establishes to the department reasonable cause for the failure to pay the debt prior to referral of the debt to the department, enters into an agreement satisfactory to the department to pay the debt in full, and fully abides by the terms of that agreement;

(2) A good faith dispute as to the legitimacy or the amount of the debt exists, and payment is remitted or an agreement satisfactory to the department to pay the debt in full is entered into within thirty days after resolution of the dispute, and the debtor fully abides by the terms of that agreement;

or

(3) Collection costs have been added by the state agency and are included in the amount of the referred debt.

3. If the department collects an amount less than the total due, the payment shall be applied proportionally to collection costs and the underlying debt unless the department has waived this requirement for certain categories of debt under the department's internal guidelines. Collection costs collected by the department under this section shall be deposited in the general revenue fund.

32.450. The department may compromise state debt referred to the department in accordance with section 32.378.

32.460. 1. The department and the referring state agency shall follow all federal and state laws regarding the confidentiality of information and records regarding the debtor including the disclosure of the debtor's Social Security number, which state agencies, including the judiciary, are authorized to provide to the department in assistance of collection of the state debt referred. Each specific state agency's confidentiality laws shall apply to the employees of the state agency and to the department.

2. The department and the referring state agency are authorized to exchange such information as is necessary for the successful collection of the state debt referred in accordance with section 610.032. The judiciary is hereby authorized to exchange such information with the department as is necessary for the successful collection of the state debt referred.”; and

Further amend said bill, Pages 18-19 , Sections 105.716, by deleting all of said section and inserting in lieu thereof the following:

“105.716. 1. Any investigation, defense, negotiation, or compromise of any claim covered by sections 105.711 to 105.726 shall be conducted by the attorney general; provided, that in the case of any claim against the department of conservation, the department of transportation or a public institution which awards baccalaureate degrees, or any officer or employee of such department or such institution, any investigation, defense, negotiation, or compromise of any claim covered by sections 105.711 to 105.726 shall be conducted by legal counsel provided by the respective entity against which the claim is made or which employs the person against whom the claim is made.

In the case of any payment from the state legal expense fund based upon a claim or judgment against the department of conservation, the department of transportation or any officer or employee thereof, the department so affected shall immediately transfer to the state legal expense fund from the department funds a sum equal to the amount expended from the state legal expense fund on its behalf.

2. All persons and entities protected by the state legal expense fund shall cooperate with the attorneys conducting any investigation and preparing any defense under the provisions of sections 105.711 to 105.726 by assisting such attorneys in all respects, including the making of settlements, the securing and giving of evidence, and the attending and obtaining witness to attend hearings and trials. Funds in the state legal expense fund shall not be used to pay claims and judgments against those persons and entities who do not cooperate as required by this subsection.

3. The provisions of sections 105.711 to 105.726 notwithstanding, the attorney general may investigate, defend, negotiate, or compromise any claim covered by sections 105.711 to 105.726 against any public institution which awards baccalaureate degrees whose governing body has declared a state of financial

exigency.

4. Notwithstanding the provisions of subsection 2 of section 105.711, funds in the state legal expense fund may be expended prior to the payment of any claim or any final judgment to pay costs of defense, including reasonable attorney's fees for retention of legal counsel, when the attorney general determines that a conflict exists or particular expertise is required, and also to pay for related legal expenses including medical examination fees, expert witness fees, court reporter expenses, travel costs and ancillary legal expenses incurred prior to the payment of a claim or any final judgment.

5. Notwithstanding any other provision of law to the contrary, no funds shall be expended from the state legal expense fund for settlement of any liability claim except upon the production of a no tax due statement from the department of revenue by the party making claim or having judgment under section 105.711, which shall be satisfied from such fund. Payments of no less than ten thousand dollars from the fund for property damage claims shall not require a no tax due statement from the department. If the party is found by the director of revenue to owe a delinquent tax debt to the state of Missouri under the revenue laws of this state, any funds to be paid to the party from the state legal expense fund shall be offset to satisfy such tax debt before payment is made to the party making claim or having judgment.”; and

Further amend said bill, Pages 40 -41, Section 144.083 by striking all of said sections from the bill and inserting in lieu thereof the following:

“144.083. 1. The director of revenue shall require all persons who are responsible for the collection of taxes under the provisions of section 144.080 to procure a retail sales license at no cost to the licensee which shall be prominently displayed at the licensee's place of business, and the license is valid until revoked by the director or surrendered by the person to whom issued when sales are discontinued. The director shall issue the retail sales license within ten working days following the receipt of a properly completed application. Any person applying for a retail sales license or reinstatement of a revoked sales tax license who owes any tax under sections 144.010 to 144.510 or sections 143.191 to 143.261 must pay the amount due plus interest and penalties before the department may issue the applicant a license or reinstate the revoked license. All persons beginning business subsequent to August 13, 1986, and who are required to collect the sales tax shall secure a retail sales license prior to making sales at retail. Such license may, after ten days' notice, be revoked by the director of revenue only in the event the licensee shall be in default for a period of sixty days in the payment of any taxes levied under section 144.020 or sections 143.191 to 143.261. Notwithstanding the provisions of section 32.057 in the event of revocation, the director of revenue may publish the status of the business account including the date of revocation in a manner as determined by the director.

2. The possession of a retail sales license and a statement from the department of revenue that the licensee owes no tax due under [sections 144.010 to 144.510 or sections 143.191 to 143.261] **section 32.088** shall be a prerequisite to the issuance or renewal of any city or county occupation license or any state license which is required for conducting any business [where goods are sold at retail]. The date of issuance on the statement that the licensee owes no tax due shall be no more than ninety days before the date of submission for application or renewal of the local license. The revocation of a retailer's license by the director shall render the occupational license or the state license null and void.

3. No person responsible for the collection of taxes under section 144.080 shall make sales at retail unless such person is the holder of a valid retail sales license. After all appeals have been exhausted, the

director of revenue may notify the county or city law enforcement agency representing the area in which the former licensee's business is located that the retail sales license of such person has been revoked, and that any county or city occupation license of such person is also revoked. The county or city may enforce the provisions of this section, and may prohibit further sales at retail by such person.

4. In addition to the provisions of subsection 2 of this section, beginning January 1, 2009, **and until December 31, 2011**, the possession of a statement from the department of revenue stating no tax is due under sections 143.191 to 143.265 or sections 144.010 to 144.510 shall also be a prerequisite to the issuance or renewal of any city or county occupation license or any state license required for conducting any business where goods are sold at retail. The statement of no tax due shall be dated no longer than ninety days before the date of submission for application or renewal of the city or county license.

5. Notwithstanding any law or rule to the contrary, sales tax shall only apply to the sale price paid by the final purchaser and not to any off-invoice discounts or other pricing discounts or mechanisms negotiated between manufacturers, wholesalers, and retailers.”; and

Further amend said bill, Pages 46 through 49 , Section 168.071, by deleting all of said section and inserting in lieu thereof the following:

“168.071. 1. The state board of education may refuse to issue or renew a certificate, or may, upon hearing, discipline the holder of a certificate of license to teach for the following causes:

(1) A certificate holder or applicant for a certificate has pleaded to or been found guilty of a felony or crime involving moral turpitude under the laws of this state, any other state, of the United States, or any other country, whether or not sentence is imposed;

(2) The certification was obtained through use of fraud, deception, misrepresentation or bribery;

(3) There is evidence of incompetence, immorality, or neglect of duty by the certificate holder;

(4) A certificate holder has been subject to disciplinary action relating to certification issued by another state, territory, federal agency, or country upon grounds for which discipline is authorized in this section; [or]

(5) If charges are filed by the local board of education, based upon the annulling of a written contract with the local board of education, for reasons other than election to the general assembly, without the consent of the majority of the members of the board that is a party to the contract; **or**

(6) Beginning January 1, 2012, the government entity issuing a valid certificate of license to teach in Missouri under section 168.011 shall at least one time each year provide the name and Social Security number of each certificate holder or applicant for certificate of a license to teach in Missouri to the director of revenue. The director of revenue shall at least one time each year check the status of each certificate holder or applicant for certificate of a license to teach in Missouri against a database developed by the director to determine if all state income tax returns have been filed and all state income taxes owed have been paid. If such certificate holder or applicant for certificate of a license to teach in Missouri is delinquent on any state taxes, or has failed to file state income tax returns in the last three years, the director shall then send notice to the certificate holder or applicant for certificate of a license to teach in Missouri and the department of elementary and secondary education. In the case of such delinquency or failure to file, the certificate holder's license shall be suspended within ninety days after notice of such delinquency or failure to file, and the applicant for

certificate's license shall not be issued unless the director of revenue verifies that such delinquency or failure has been remedied or arrangements have been made to achieve such remedy. The director of revenue shall, within ten business days of notification to the government entity issuing the certificate of license to teach that the delinquency has been remedied or arrangements have been made to remedy such delinquency, send written notification to the certificate holder or applicant for certificate that the delinquency has been remedied. Tax liability paid in protest or reasonably founded disputes with such liability shall be considered paid for the purposes of this section.

2. A public school district may file charges seeking the discipline of a holder of a certificate of license to teach based upon any cause or combination of causes outlined in subsection 1 of this section, including annulment of a written contract. Charges shall be in writing, specify the basis for the charges, and be signed by the chief administrative officer of the district, or by the president of the board of education as authorized by a majority of the board of education. The board of education may also petition the office of the attorney general to file charges on behalf of the school district for any cause other than annulment of contract, with acceptance of the petition at the discretion of the attorney general.

3. The department of elementary and secondary education may file charges seeking the discipline of a holder of a certificate of license to teach based upon any cause or combination of causes outlined in subsection 1 of this section, other than annulment of contract. Charges shall be in writing, specify the basis for the charges, and be signed by legal counsel representing the department of elementary and secondary education.

4. If the underlying conduct or actions which are the basis for charges filed pursuant to this section are also the subject of a pending criminal charge against the person holding such certificate, the certificate holder may request, in writing, a delayed hearing on advice of counsel under the fifth amendment of the Constitution of the United States. Based upon such a request, no hearing shall be held until after a trial has been completed on this criminal charge.

5. The certificate holder shall be given not less than thirty days' notice of any hearing held pursuant to this section.

6. Other provisions of this section notwithstanding, the certificate of license to teach shall be revoked or, in the case of an applicant, a certificate shall not be issued, if the certificate holder or applicant has pleaded guilty to or been found guilty of any of the following offenses established pursuant to Missouri law or offenses of a similar nature established under the laws of any other state or of the United States, or any other country, whether or not the sentence is imposed:

(1) Any dangerous felony as defined in section 556.061 or murder in the first degree;

(2) Any of the following sexual offenses: rape; statutory rape in the first degree; statutory rape in the second degree; sexual assault; forcible sodomy; statutory sodomy in the first degree; statutory sodomy in the second degree; child molestation in the first degree; child molestation in the second degree; deviate sexual assault; sexual misconduct involving a child; sexual misconduct in the first degree; sexual abuse; enticement of a child; or attempting to entice a child;

(3) Any of the following offenses against the family and related offenses: incest; abandonment of child in the first degree; abandonment of child in the second degree; endangering the welfare of a child in the first degree; abuse of a child; child used in a sexual performance; promoting sexual performance by a child; or trafficking in children; and

(4) Any of the following offenses involving child pornography and related offenses: promoting obscenity in the first degree; promoting obscenity in the second degree when the penalty is enhanced to a class D felony; promoting child pornography in the first degree; promoting child pornography in the second degree; possession of child pornography in the first degree; possession of child pornography in the second degree; furnishing child pornography to a minor; furnishing pornographic materials to minors; or coercing acceptance of obscene material.

7. When a certificate holder pleads guilty or is found guilty of any offense that would authorize the state board of education to seek discipline against that holder's certificate of license to teach, the local board of education or the department of elementary and secondary education shall immediately provide written notice to the state board of education and the attorney general regarding the plea of guilty or finding of guilty.

8. The certificate holder whose certificate was revoked pursuant to subsection 6 of this section may appeal such revocation to the state board of education. Notice of this appeal must be received by the commissioner of education within ninety days of notice of revocation pursuant to this subsection. Failure of the certificate holder to notify the commissioner of the intent to appeal waives all rights to appeal the revocation. Upon notice of the certificate holder's intent to appeal, an appeal hearing shall be held by a hearing officer designated by the commissioner of education, with the final decision made by the state board of education, based upon the record of that hearing. The certificate holder shall be given not less than thirty days' notice of the hearing, and an opportunity to be heard by the hearing officer, together with witnesses.

9. In the case of any certificate holder who has surrendered or failed to renew his or her certificate of license to teach, the state board of education may refuse to issue or renew, or may suspend or revoke, such certificate for any of the reasons contained in this section.

10. In those cases where the charges filed pursuant to this section are based upon an allegation of misconduct involving a minor child, the hearing officer may accept into the record the sworn testimony of the minor child relating to the misconduct received in any court or administrative hearing.

11. Hearings, appeals or other matters involving certificate holders, licensees or applicants pursuant to this section may be informally resolved by consent agreement or agreed settlement or voluntary surrender of the certificate of license pursuant to the rules promulgated by the state board of education.

12. The final decision of the state board of education is subject to judicial review pursuant to sections 536.100 to 536.140.

13. A certificate of license to teach to an individual who has been convicted of a felony or crime involving moral turpitude, whether or not sentence is imposed, shall be issued only upon motion of the state board of education adopted by a unanimous affirmative vote of those members present and voting.”; and

Further amend said bill, Pages 51 and 52, Section 215.020, by deleting all of said section and inserting in lieu thereof the following:

“215.020. 1. There is hereby created and established as a governmental instrumentality of the state of Missouri the “Missouri Housing Development Commission” which shall constitute a body corporate and politic.

2. The commission shall consist of the governor, lieutenant governor, the state treasurer, the state attorney general, and six members to be selected by the governor, with the advice and consent of the senate.

The persons to be selected by the governor shall be individuals knowledgeable in the areas of housing, finance or construction. Not more than four of the members appointed by the governor shall be from the same political party. The members of the commission appointed by the governor shall serve the following terms: Two shall serve two years, two shall serve three years, and two shall serve four years, respectively. Thereafter, each appointment shall be for a term of four years. If for any reason a vacancy occurs, the governor, with the advice and consent of the senate, shall appoint a new member to fill the unexpired term. Members are eligible for reappointment.

3. Six members of the commission shall constitute a quorum. No vacancy in the membership of the commission shall impair the right of a quorum to exercise all the rights and perform all the duties of the commission. No action shall be taken by the commission except upon the affirmative vote of at least six of the members of the commission.

4. Each member of the commission appointed by the governor is entitled to compensation of fifty dollars per diem plus his reasonable and necessary expenses actually incurred in discharging his duties under sections 215.010 to 215.250.

5. The department staff shall report to an executive director who shall be appointed by the governor and such executive director shall implement only those policies which are presented by the executive director and approved by the commission.

6. The employment of the executive director, including the executive director serving in such capacity on the effective date of this section, shall be subject to the advice and consent of the senate in the same manner as an appointment subject to the provisions of article IV, section 51 of the Missouri Constitution and shall be for a term of three years subject to reappointment for additional terms. Each additional term shall be subject to the advice and consent of the senate.

7. The operating budget of the commission shall be subject to annual appropriations.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2 TO HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 100, Page 20, Line 22, by deleting the word, “**evident**”; and inserting the word, “**event**”; and

Further amend said amendment, Page 48, Line 35, by deleting the number, “**eighty-five**” and inserting in lieu thereof the number, “**ninety-five**”; and

Further amend said amendment, Page 49, Lines 1-5, by deleting all of said lines and inserting in lieu thereof the words, “**carried forward under the provisions of section 253.559.**”; and

Further amend said amendment, Page 49, Lines 21-22, by deleting all of said lines; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 100, in the Title, Page 1, Lines 6, by deleting all of said line and inserting in lieu thereof the following:

“lieu thereof sixty-two new sections relating to the collection and distribution of state money,”; and

Further amend said bill, Section 32.115, Pages 6-9, Lines 1-118, by striking all of said section from the bill and inserting in lieu thereof the following:

“32.115. 1. The department of revenue shall grant a tax credit, to be applied in the following order until used, against:

- (1) The annual tax on gross premium receipts of insurance companies in chapter 148;
- (2) The tax on banks determined pursuant to subdivision (2) of subsection 2 of section 148.030;
- (3) The tax on banks determined in subdivision (1) of subsection 2 of section 148.030;
- (4) The tax on other financial institutions in chapter 148;
- (5) The corporation franchise tax in chapter 147;
- (6) The state income tax in chapter 143; and
- (7) The annual tax on gross receipts of express companies in chapter 153.

2. For proposals approved pursuant to section 32.110:

(1) The amount of the tax credit shall not exceed fifty percent of the total amount contributed during the taxable year by the business firm or, in the case of a financial institution, where applicable, during the relevant income period in programs approved pursuant to section 32.110;

(2) Except as provided in subsection 2 or 5 of this section, a tax credit of up to seventy percent may be allowed for contributions to programs where activities fall within the scope of special program priorities as defined with the approval of the governor in regulations promulgated by the director of the department of economic development;

(3) Except as provided in subsection 2 or 5 of this section, the tax credit allowed for contributions to programs located in any community shall be equal to seventy percent of the total amount contributed where such community is a city, town or village which has fifteen thousand or less inhabitants as of the last decennial census and is located in a county which is either located in:

(a) An area that is not part of a standard metropolitan statistical area;

(b) A standard metropolitan statistical area but such county has only one city, town or village which has more than fifteen thousand inhabitants; or

(c) A standard metropolitan statistical area and a substantial number of persons in such county derive their income from agriculture. Such community may also be in an unincorporated area in such county as provided in subdivision (1), (2) or (3) of this subsection. Except in no case shall the total economic benefit of the combined federal and state tax savings to the taxpayer exceed the amount contributed by the taxpayer during the tax year;

(4) Such tax credit allocation, equal to seventy percent of the total amount contributed, shall not exceed four million dollars in fiscal year 1999 and six million dollars in fiscal year 2000 and any subsequent fiscal year. When the maximum dollar limit on the seventy percent tax credit allocation is committed, the tax credit allocation for such programs shall then be equal to fifty percent credit of the total amount contributed. Regulations establishing special program priorities are to be promulgated during the first month of each fiscal year and at such times during the year as the public interest dictates. Such credit shall not exceed two

hundred and fifty thousand dollars annually except as provided in subdivision (5) of this subsection. No tax credit shall be approved for any bank, bank and trust company, insurance company, trust company, national bank, savings association, or building and loan association for activities that are a part of its normal course of business. Any tax credit not used in the period the contribution was made may be carried over the next five succeeding calendar or fiscal years until the full credit has been claimed. Except as otherwise provided for proposals approved pursuant to section 32.111, 32.112 or 32.117, in no event shall the total amount of all other tax credits allowed pursuant to sections 32.100 to 32.125 exceed thirty-two million dollars in any one fiscal year, of which six million shall be credits allowed pursuant to section 135.460. If six million dollars in credits are not approved, then the remaining credits may be used for programs approved pursuant to sections 32.100 to 32.125;

(5) The credit may exceed two hundred fifty thousand dollars annually and shall not be limited if community services, crime prevention, education, job training, physical revitalization or economic development, as defined by section 32.105, is rendered in an area defined by federal or state law as an impoverished, economically distressed, or blighted area or as a neighborhood experiencing problems endangering its existence as a viable and stable neighborhood, or if the community services, crime prevention, education, job training, physical revitalization or economic development is limited to impoverished persons.

3. For proposals approved pursuant to section 32.111:

(1) The amount of the tax credit shall not exceed fifty-five percent of the total amount invested in affordable housing assistance activities or market rate housing in distressed communities as defined in section 135.530 by a business firm. Whenever such investment is made in the form of an equity investment or a loan, as opposed to a donation alone, tax credits may be claimed only where the loan or equity investment is accompanied by a donation which is eligible for federal income tax charitable deduction, and where the total value of the tax credits herein plus the value of the federal income tax charitable deduction is less than or equal to the value of the donation. Any tax credit not used in the period for which the credit was approved may be carried over the next ten succeeding calendar or fiscal years until the full credit has been allowed. If the affordable housing units or market rate housing units in distressed communities for which a tax is claimed are within a larger structure, parts of which are not the subject of a tax credit claim, then expenditures applicable to the entire structure shall be reduced on a prorated basis in proportion to the ratio of the number of square feet devoted to the affordable housing units or market rate housing units in distressed communities, for purposes of determining the amount of the tax credit. The total amount of tax credit granted for programs approved pursuant to section 32.111 for the fiscal year beginning July 1, 1991, shall not exceed two million dollars, to be increased by no more than two million dollars each succeeding fiscal year, until the total tax credits that may be approved reaches ten million dollars in any fiscal year;

(2) For any year during the compliance period indicated in the land use restriction agreement, the owner of the affordable housing rental units for which a credit is being claimed shall certify to the commission that all tenants renting claimed units are income eligible for affordable housing units and that the rentals for each claimed unit are in compliance with the provisions of sections 32.100 to 32.125. The commission is authorized, in its discretion, to audit the records and accounts of the owner to verify such certification;

(3) In the case of owner-occupied affordable housing units, the qualifying owner occupant shall, before the end of the first year in which credits are claimed, certify to the commission that the occupant is income eligible during the preceding two years, and at the time of the initial purchase contract, but not thereafter.

The qualifying owner occupant shall further certify to the commission, before the end of the first year in which credits are claimed, that during the compliance period indicated in the land use restriction agreement, the cost of the affordable housing unit to the occupant for the claimed unit can reasonably be projected to be in compliance with the provisions of sections 32.100 to 32.125. Any succeeding owner occupant acquiring the affordable housing unit during the compliance period indicated in the land use restriction agreement shall make the same certification;

(4) If at any time during the compliance period the commission determines a project for which a proposal has been approved is not in compliance with the applicable provisions of sections 32.100 to 32.125 or rules promulgated therefor, the commission may within one hundred fifty days of notice to the owner either seek injunctive enforcement action against the owner, or seek legal damages against the owner representing the value of the tax credits, or foreclose on the lien in the land use restriction agreement, selling the project at a public sale, and paying to the owner the proceeds of the sale, less the costs of the sale and less the value of all tax credits allowed herein. The commission shall remit to the director of revenue the portion of the legal damages collected or the sale proceeds representing the value of the tax credits. However, except in the event of intentional fraud by the taxpayer, the proposal's certificate of eligibility for tax credits shall not be revoked.

4. For proposals approved pursuant to section 32.112, the amount of the tax credit shall not exceed fifty-five percent of the total amount contributed to a neighborhood organization by business firms. Any tax credit not used in the period for which the credit was approved may be carried over the next ten succeeding calendar or fiscal years until the full credit has been allowed. The total amount of tax credit granted for programs approved pursuant to section 32.112 shall not exceed one million dollars for each fiscal year.

5. The total amount of tax credits used for market rate housing in distressed communities pursuant to sections 32.100 to 32.125 shall not exceed thirty percent of the total amount of all tax credits authorized pursuant to sections 32.111 and 32.112.

6. Notwithstanding any provision of law to the contrary, no new projects shall be approved under the development tax credit program created pursuant to sections 32.100 to 32.125 after August 28, 2011. The provisions of this subsection shall not be construed to limit or impair the ability of any administering agency to issue tax credits for any project approved prior to August 28, 2011, or the ability of any taxpayer to redeem any such tax credits.”; and

Further amend said bill, Section 32.460, Page 14, Line 7, by inserting the following after all of said Line:

“67.2050. 1. As used in this section, unless the context clearly indicates otherwise, the following terms mean:

- (1) “Facility”, a location composed of real estate, buildings, fixtures, machinery, and equipment;**
- (2) “Municipality”, any county, city, incorporated town, or village of the state;**

(3) “NAICS”, the 2007 edition of the North American Industry Classification System developed under the direction and guidance of the federal Office of Management and Budget. Any NAICS sector, subsector, industry group, or industry identified in this section shall include its corresponding classification in previous and subsequent federal industry classification systems;

- (4) “Technology business facility”, a facility purchased, constructed, extended, or improved under**

this section, provided that such business facility is engaged in:

- (a) Wired telecommunications carriers (NAICS 517110); or
 - (b) Data processing, hosting, and related services (NAICS 518210); or
 - (c) Internet publishing and broadcasting and web search portals (NAICS 519130), at the business facility;
- (5) “Technology business facility project” or “project”, the purchase, construction, extension, and improvement of technology business facilities, whether of the facility as a whole or of any one or more of the facility’s components of real estate, buildings, fixtures, machinery, and equipment.

2. The governing body of any municipality may:

- (1) Carry out technology business facility projects for economic development under this section;
- (2) Accept grants from the federal and state governments for technology business facility project purposes, and may enter into such agreements as are not contrary to the laws of this state and which may be required as a condition of grants by the federal government or its agencies; and
- (3) Receive gifts and donations from private sources to be used for technology business facility project purposes.

3. The governing body of the municipality may enter into loan agreements, sell, lease, or mortgage to private persons, partnerships, or corporations any one or more of the components of a facility received, purchased, constructed, or extended by the municipality for development of a technology business facility project. The loan agreement, installment sale agreement, lease, or other such document shall contain such other terms as are agreed upon between the municipality and the obligor, provided that such terms shall be consistent with this section. When, in the judgment of the governing body of the municipality, the technology business facility project will result in economic benefits to the municipality, the governing body may lawfully enter into an agreement that includes nominal monetary consideration to the municipality in exchange for the use of one or more components of the facility.

4. Transactions involving the lease or rental of any components of a project under this section shall be specifically exempted from the provisions of the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.761, and from the computation of the tax levied, assessed, or payable under the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745.

5. Leasehold interests granted and held under this section shall not be subject to property taxes.

6. Any payments in lieu of taxes expected to be made by any lessee of the project shall be applied in accordance with this section. The lessee may reimburse the municipality for its actual costs of administering the plan. All amounts paid in excess of such actual costs shall, immediately upon receipt thereof, be disbursed by the municipality’s treasurer or other financial officer to each affected taxing entity in proportion to the current ad valorem tax levy of each affected taxing entity.

7. The county assessor shall include the current assessed value of all property within the affected taxing entities in the aggregate valuation of assessed property entered upon the assessor’s book and verified under section 137.245, and such value shall be used for the purpose of the debt limitation on

local government under section 26(b), article VI, Constitution of Missouri.

8. The governing body of any municipality may sell or otherwise dispose of the property, buildings, or plants acquired under this section to private persons or corporations for technology business facility project purposes upon approval by the governing body. The terms and method of the sale or other disposal shall be established by the governing body so as to reasonably protect the economic well-being of the municipality and to promote the development of technology business facility projects. A private person or corporation that initially transfers property to the municipality for the purposes of a technology business facility project and does not charge a purchase price to the municipality shall retain the right, upon request to the municipality, to have the municipality retransfer the donated property to the person or corporation at no cost.

9. The provisions of this section shall not be construed to allow political subdivisions to provide telecommunications services or telecommunications facilities to the extent that they are prohibited from doing so by section 392.410.”; and

Further amend said bill, Section 67.3000, Pages 14 - 18, by striking all of said section from the bill and inserting in lieu thereof the following:

“67.3000. 1. As used in this section and section 67.3005, the following words shall mean:

(1) “Active Member”, an organization located in the state of Missouri, which solicits and services sports events, sports organizations, and other types of sports-related activities in that community;

(2) “Applicant” or “applicants”, one or more certified sponsors, endorsing counties, endorsing municipalities, or a local organizing committee, acting individually or collectively;

(3) “Certified sponsor” or “certified sponsors”, a nonprofit organization which is an active member of the National Association of Sports Commissions;

(4) “Department”, the Missouri department of economic development;

(5) “Director”, the director of revenue;

(6) “Eligible costs”, shall include:

(a) Costs necessary for conducting the sporting event;

(b) Costs relating to the preparations necessary for the conduct of the sporting event; and

(c) An applicant’s pledged obligations to the site selection organization as evidenced by the support contract for the sporting event.

Eligible costs shall not include any cost associated with the rehabilitation or construction of any facilities used to host the sporting event but may include costs associated with the retrofitting of a facility necessary to accommodate the sporting event, and direct payments to a for-profit site selection organization;

(7) “Eligible donation”, donations received, by a certified sponsor or local organizing committee, from a taxpayer that may include cash, publically traded stocks and bonds, and real estate that will be valued and documented according to rules promulgated by the department. Such donations shall be used solely to provide funding to attract sporting events to this state;

(8) “Endorsing municipality” or “endorsing municipalities”, any city, town, incorporated village,

or county that contains a site selected by a site selection organization for one or more sporting events;

(9) “Joinder agreement”, an agreement entered into by one or more applicants, acting individually or collectively, and a site selection organization setting out representations and assurances by each applicant in connection with the selection of a site in this state for the location of a sporting event;

(10) “Joinder undertaking”, an agreement entered into by one or more applicants, acting individually or collectively, and a site selection organization that each applicant will execute a joinder agreement in the event that the site selection organization selects a site in this state for a sporting event;

(11) “Local organizing committee”, a nonprofit corporation or its successor in interest that:

(a) Has been authorized by one or more certified sponsors, endorsing municipalities, or endorsing counties, acting individually or collectively, to pursue an application and bid on its or the applicant’s behalf to a site selection organization for selection as the site of one or more sporting events; or

(b) With the authorization of one or more certified sponsors, endorsing municipalities, or endorsing counties, acting individually or collectively, executes an agreement with a site selection organization regarding a bid to host one or more sporting events;

(12) “Site selection organization”, the National Collegiate Athletic Association (NCAA); an NCAA member conference, university, or institution; the National Association of Intercollegiate Athletics (NAIA); the United States Olympic Committee (USOC); a national governing body (NGB) or international federation of a sport recognized by the USOC; the United States Golf Association (USGA); the United States Tennis Association (USTA); the Amateur Softball Association of America (ASA); other major regional, national, and international sports associations, and amateur organizations that promote, organize, or administer sporting games, or competitions; or other major regional, national, and international organizations that promote or organize sporting events;

(13) “Sporting event” or “sporting events”, an amateur sporting event that is competitively bid;

(14) “Support contract” or “support contracts”, an event award notification, joinder undertaking, joinder agreement, or contract executed by an applicant and a site selection organization;

(15) “Tax credit” or “tax credits”, a credit or credits issued by the department against the tax otherwise due under chapter 143 or 148, excluding withholding tax imposed by sections 143.191 to 143.265;

(16) “Taxpayer”, any of the following individuals or entities who make an eligible donation to a provider:

(a) A person, firm, partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed in chapter 143;

(b) A corporation subject to the annual corporation franchise tax imposed in chapter 147;

(c) An insurance company paying an annual tax on its gross premium receipts in this state;

(d) Any other financial institution paying taxes to the state of Missouri or any political subdivision of this state under chapter 148;

(e) An individual subject to the state income tax imposed in chapter 143;

(f) Any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143.

2. An applicant may submit a copy of a support contract for a sporting event to the department. Within sixty days of receipt of the sporting event support contract, the department may review the applicant's support contract and certify such support contract if it complies with the requirements of this section. Upon certification of the support contract by the department, the applicant may be authorized to receive the tax credit under subsection 4 of this section.

3. No more than thirty days following the conclusion of the sporting event, the applicant shall submit eligible costs and documentation of the costs evidenced by receipts, paid invoices, or other documentation in a manner prescribed by the department.

4. No later than seven days following the conclusion of the sporting event, the department, in consultation with the director, may determine the total number of tickets sold at face value for such event. No later than sixty days following the receipt of eligible costs and documentation of such costs from the applicant as required in subsection 3 of this section, the department may issue a refundable tax credit to the applicant for the lesser of one hundred percent of eligible costs incurred by the applicant or an amount equal to five dollars for every admission ticket sold to such event. Tax credits authorized by this section may be claimed against taxes imposed by chapters 143 and 148 and shall be claimed within one year of the close of the taxable year for which the credits were issued. Tax credits authorized by this section may be transferred, sold, or assigned by filing a notarized endorsement thereof with the department that names the transferee, the amount of tax credit transferred, and the value received for the credit, as well as any other information reasonably requested by the department.

5. In no event shall the amount of tax credits issued by the department under subsection 4 of this section exceed three million dollars in any fiscal year.

6. An applicant shall provide any information necessary as determined by the department for the department and the director to fulfill the duties required by this section. At any time upon the request of the state of Missouri, a certified sponsor will subject itself to an audit conducted by the state.

7. This section shall not be construed as creating or requiring a state guarantee of obligations imposed on an endorsing municipality under a support contract or any other agreement relating to hosting one or more sporting events in this state.

8. The department shall only certify an applicant's support contract for a sporting event in which the site selection organization has yet to select a location for the sporting event as of August 28, 2011. Support contracts shall not be certified by the department after August 28, 2017, provided that the support contracts may be certified prior to August 28, 2017, for sporting events that will be held after such date.

9. The department may promulgate rules, statements of policy, procedures, forms, and guidelines as necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers

vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.

67.3005. 1. For all taxable years beginning on or after January 1, 2011, any taxpayer shall be allowed a credit against the taxes otherwise due under chapter 143, 147, or 148 excluding withholding tax imposed by sections 143.191 to 143.265 in an amount equal to fifty percent of the amount of an eligible donation, subject to the restrictions in this section. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state income tax liability in the tax year for which the credit is claimed. Any amount of credit that the taxpayer is prohibited by this section from claiming in a tax year shall not be refundable, but may be carried forward to any of the taxpayer's four subsequent taxable years.

2. To claim the credit authorized in this section, a certified sponsor or local organizing committee may submit to the department an application for the tax credit authorized by this section on behalf of taxpayers. The department shall verify that the provider has submitted the following items accurately and completely:

(1) A valid application in the form and format required by the department;

(2) A statement attesting to the eligible donation received, which shall include the name and taxpayer identification number of the individual making the eligible donation, the amount of the eligible donation, and the date the eligible donation was received by the provider; and

(3) Payment from the certified sponsor or local organizing committee equal to the value of the tax credit for which application is made.

If the certified sponsor or local organizing committee applying for the tax credit meets all criteria required by this subsection, the department shall issue a certificate in the appropriate amount.

3. Tax credits issued under this section may be assigned, transferred, sold, or otherwise conveyed, and the new owner of the tax credit shall have the same rights in the credit as the taxpayer. Whenever a certificate is assigned, transferred, sold, or otherwise conveyed, a notarized endorsement shall be filed with the department specifying the name and address of the new owner of the tax credit or the value of the credit. In no event shall the amount of tax credits issued by the department under this section exceed ten million dollars in any fiscal year.

4. The department shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.

5. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after August 28, 2011, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and

Further amend said bill, Section 67.3005, Page 10, Line 12, by inserting after said line the following:

“99.1205. 1. This section shall be known and may be cited as the “Distressed Areas Land Assemblage Tax Credit Act”.

2. As used in this section, the following terms mean:

(1) “Acquisition costs”, the purchase price for the eligible parcel, costs of environmental assessments, closing costs, real estate brokerage fees, reasonable demolition costs of vacant structures, and reasonable maintenance costs incurred to maintain an acquired eligible parcel for a period of five years after the acquisition of such eligible parcel. Acquisition costs shall not include costs for title insurance and survey, attorney’s fees, relocation costs, fines, or bills from a municipality;

(2) “Applicant”, any person, firm, partnership, trust, limited liability company, or corporation which has:

(a) Incurred, within an eligible project area, acquisition costs for the acquisition of land sufficient to satisfy the requirements under subdivision (8) of this subsection; and

(b) Been appointed or selected, pursuant to a redevelopment agreement by a municipal authority, as a redeveloper or similar designation, under an economic incentive law, to redevelop an urban renewal area or a redevelopment area that includes all of an eligible project area or whose redevelopment plan or redevelopment area, which encompasses all of an eligible project area, has been approved or adopted under an economic incentive law. In addition to being designated the redeveloper, the applicant shall have been designated to receive economic incentives only after the municipal authority has considered the amount of the tax credits in adopting such economic incentives as provided in subsection 8 of this section. The redevelopment agreement shall provide that:

a. The funds generated through the use or sale of the tax credits issued under this section shall be used to redevelop the eligible project area;

b. No more than seventy-five percent of the urban renewal area identified in the urban renewal plan or the redevelopment area identified in the redevelopment plan may be redeveloped by the applicant; and

c. The remainder of the urban renewal area or the redevelopment area shall be redeveloped by co-redevelopers or redevelopers to whom the applicant has assigned its redevelopment rights and obligations under the urban renewal plan or the redevelopment plan;

(3) “Certificate”, a tax credit certificate issued under this section;

(4) “Condemnation proceedings”, any action taken by, or on behalf of, an applicant to initiate an action in a court of competent jurisdiction to use the power of eminent domain to acquire a parcel within the eligible project area. Condemnation proceedings shall include any and all actions taken after the submission of a notice of intended acquisition to an owner of a parcel within the eligible project area by a municipal authority or any other person or entity under section 523.250;

(5) “Department”, the Missouri department of economic development;

(6) “Economic incentive laws”, any provision of Missouri law pursuant to which economic incentives are provided to redevelopers of a parcel or parcels to redevelop the land, such as tax abatement or payments in lieu of taxes, or redevelopment plans or redevelopment projects approved or adopted which include the use of economic incentives to redevelop the land. Economic incentive laws include, but are not limited to, the land clearance for redevelopment authority law under sections 99.300 to 99.660, the real property tax increment allocation redevelopment act under sections 99.800 to 99.865, the Missouri downtown and rural economic stimulus act under sections 99.915 to 99.1060, and the downtown revitalization preservation program under sections 99.1080 to 99.1092;

(7) “Eligible parcel”, a parcel:

(a) Which is located within an eligible project area;

(b) Which is to be redeveloped;

(c) On which the applicant has not commenced construction prior to November 28, 2007;

(d) Which has been acquired without the commencement of any condemnation proceedings with respect to such parcel brought by or on behalf of the applicant. Any parcel acquired by the applicant from a municipal authority shall not constitute an eligible parcel; and

(e) On which all outstanding taxes, fines, and bills levied by municipal governments that were levied by the municipality during the time period that the applicant held title to the eligible parcel have been paid in full;

(8) “Eligible project area”, an area which shall have satisfied the following requirements:

(a) The eligible project area shall consist of at least seventy-five acres and may include parcels within its boundaries that do not constitute an eligible parcel;

(b) At least eighty percent of the eligible project area shall be located within a Missouri qualified census tract area, as designated by the United States Department of Housing and Urban Development under 26 U.S.C. Section 42, or within a distressed community as that term is defined in section 135.530;

(c) The eligible parcels acquired by the applicant within the eligible project area shall total at least fifty acres, which may consist of contiguous and noncontiguous parcels;

(d) The average number of parcels per acre in an eligible project area shall be four or more;

(e) Less than five percent of the acreage within the boundaries of the eligible project area shall consist of owner-occupied residences which the applicant has identified for acquisition under the urban renewal plan or the redevelopment plan pursuant to which the applicant was appointed or selected as the redeveloper or by which the person or entity was qualified as an applicant under this section on the date of the approval or adoption of such plan;

(9) “Interest costs”, interest, loan fees, and closing costs. Interest costs shall not include attorney’s fees;

(10) “Maintenance costs”, costs of boarding up and securing vacant structures, costs of removing trash, and costs of cutting grass and weeds;

(11) “Municipal authority”, any city, town, village, county, public body corporate and politic, political subdivision, or land trust of this state established and authorized to own land within the state;

(12) “Municipality”, any city, town, village, or county;

(13) “Parcel”, a single lot or tract of land, and the improvements thereon, owned by, or recorded as the property of, one or more persons or entities;

(14) “Redeveloped”, the process of undertaking and carrying out a redevelopment plan or urban renewal plan pursuant to which the conditions which provided the basis for an eligible project area to be included in a redevelopment plan or urban renewal plan are to be reduced or eliminated by redevelopment or rehabilitation; and

(15) “Redevelopment agreement”, the redevelopment agreement or similar agreement into which the applicant entered with a municipal authority and which is the agreement for the implementation of the urban renewal plan or redevelopment plan pursuant to which the applicant was appointed or selected as the redeveloper or by which the person or entity was qualified as an applicant under this section; and such appointment or selection shall have been approved by an ordinance of the governing body of the municipality, or municipalities, or in the case of any city not within a county, the board of aldermen, in which the eligible project area is located. The redevelopment agreement shall include a time line for redevelopment of the eligible project area. The redevelopment agreement shall state that the named developer shall be subject to the provisions of chapter 290.

3. Any applicant shall be entitled to a tax credit against the taxes imposed under chapters 143, 147, and 148, except for sections 143.191 to 143.265, in an amount equal to fifty percent of the acquisition costs, and one hundred percent of the interest costs incurred for a period of five years after the acquisition of an eligible parcel. No tax credits shall be issued under this section until after January 1, 2008.

4. If the amount of such tax credit exceeds the total tax liability for the year in which the applicant is entitled to receive a tax credit, the amount that exceeds the state tax liability may be carried forward for credit against the taxes imposed under chapters 143, 147, and 148 for the succeeding six years, or until the full credit is used, whichever occurs first. The applicant shall not be entitled to a tax credit for taxes imposed under sections 143.191 to 143.265. Applicants entitled to receive such tax credits may transfer, sell, or assign the tax credits. Tax credits granted to a partnership, a limited liability company taxed as a partnership, or multiple owners of property shall be passed through to the partners, members, or owners respectively pro rata or pursuant to an executed agreement among the partners, members, or owners documenting an alternate distribution method.

5. A purchaser, transferee, or assignee of the tax credits authorized under this section may use acquired tax credits to offset up to one hundred percent of the tax liabilities otherwise imposed under chapters 143, 147, and 148, except for sections 143.191 to 143.265. A seller, transferor, or assignor shall perfect such transfer by notifying the department in writing within thirty calendar days following the effective date of the transfer and shall provide any information as may be required by the department to administer and carry out the provisions of this section.

6. To claim tax credits authorized under this section, an applicant shall submit to the department an application for a certificate. An applicant shall identify the boundaries of the eligible project area in the application. The department shall verify that the applicant has submitted a valid application in the form and format required by the department. The department shall verify that the municipal authority held the requisite hearings and gave the requisite notices for such hearings in accordance with the applicable economic incentive act, and municipal ordinances. On an annual basis, an applicant may file for the tax credit for the acquisition costs, and for the tax credit for the interest costs, subject to the limitations of this section. If an applicant applying for the tax credit meets the criteria required under this section, the

department shall issue a certificate in the appropriate amount. If an applicant receives a tax credit for maintenance costs as a part of the applicant's acquisition costs, the department shall post on its Internet website the amount and type of maintenance costs and a description of the redevelopment project for which the applicant received a tax credit within thirty days after the department issues the certificate to the applicant.

7. The total aggregate amount of tax credits authorized under this section shall not exceed [ninety-five] **ninety** million dollars. [At no time shall] **For all years ending on or before December 31, 2011**, the annual amount of the tax credits issued under this section **shall not** exceed twenty million dollars. **For all years beginning on or after January 1, 2012, the annual amount of the tax credits issued under this section shall not exceed fifteen million dollars.** If the tax credits that are to be issued under this section exceed, in any year, the[twenty million dollar] **applicable annual dollar** limitation, the department shall either:

(1) Issue tax credits to the applicant in the amount of [twenty million dollars,] **the applicable annual dollar limitation**, if there is only one applicant entitled to receive tax credits in that year; or

(2) Issue the tax credits on a pro rata basis to all applicants entitled to receive tax credits in that year. Any amount of tax credits, which an applicant is, or applicants are, entitled to receive on an annual basis and are not issued due to the[twenty million dollar] **the applicable annual dollar** limitation, shall be carried forward for the benefit of the applicant or applicants to subsequent years. No tax credits provided under this section shall be authorized after August 28, 2013. Any tax credits which have been authorized on or before August 28, 2013, but not issued, may be issued, subject to the limitations provided under this subsection, until all such authorized tax credits have been issued.

8. Upon issuance of any tax credits pursuant to this section, the department shall report to the municipal authority the applicant's name and address, the parcel numbers of the eligible parcels for which the tax credits were issued, the itemized acquisition costs and interest costs for which tax credits were issued, and the total value of the tax credits issued. The municipal authority and the state shall not consider the amount of the tax credits as an applicant's cost, but shall include the tax credits in any sources and uses and cost benefit analysis reviewed or created for the purpose of awarding other economic incentives. The amount of the tax credits shall not be considered an applicant's cost in the evaluation of the amount of any award of any other economic incentives, but shall be considered in measuring the reasonableness of the rate of return to the applicant with respect to such award of other economic incentives. The municipal authority shall provide the report to any relevant commission, board, or entity responsible for the evaluation and recommendation or approval of other economic incentives to assist in the redevelopment of the eligible project area. Tax credits authorized under this section shall constitute redevelopment tax credits, as such term is defined under section 135.800, and shall be subject to all provisions applicable to redevelopment tax credits provided under sections 135.800 to 135.830.

9. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.”; and

Further amend said bill, Section 105.716, Page 19, Line 40, by inserting the following after all of said Line:

“135.010. As used in sections 135.010 to 135.030 the following words and terms mean:

(1) “Claimant”, a person or persons claiming a credit under sections 135.010 to 135.030. If the persons are eligible to file a joint federal income tax return and reside at the same address at any time during the taxable year, then the credit may only be allowed if claimed on a combined Missouri income tax return or a combined claim return reporting their combined incomes and property taxes. A claimant shall not be allowed a property tax credit unless the claimant or spouse has attained the age of sixty-five on or before the last day of the calendar year and the claimant or spouse was a resident of Missouri for the entire year, or the claimant or spouse is a veteran of any branch of the armed forces of the United States or this state who became one hundred percent disabled as a result of such service, or the claimant or spouse is disabled as defined in subdivision (2) of this section, and such claimant or spouse provides proof of such disability in such form and manner, and at such times, as the director of revenue may require, or if the claimant has reached the age of sixty on or before the last day of the calendar year and such claimant received surviving spouse Social Security benefits during the calendar year and the claimant provides proof, as required by the director of revenue, that the claimant received surviving spouse Social Security benefits during the calendar year for which the credit will be claimed. A claimant shall not be allowed a property tax credit if the claimant filed a valid claim for a credit under section 137.106 in the year following the year for which the property tax credit is claimed. The residency requirement shall be deemed to have been fulfilled for the purpose of determining the eligibility of a surviving spouse for a property tax credit if a person of the age of sixty-five years or older who would have otherwise met the requirements for a property tax credit dies before the last day of the calendar year. The residency requirement shall also be deemed to have been fulfilled for the purpose of determining the eligibility of a claimant who would have otherwise met the requirements for a property tax credit but who dies before the last day of the calendar year;

(2) “Disabled”, the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve months. A claimant shall not be required to be gainfully employed prior to such disability to qualify for a property tax credit;

(3) [“Gross rent”, amount paid by a claimant to a landlord for the rental, at arm’s length, of a homestead during the calendar year, exclusive of charges for health and personal care services and food furnished as part of the rental agreement, whether or not expressly set out in the rental agreement. If the director of revenue determines that the landlord and tenant have not dealt at arm’s length, and that the gross rent is excessive, then he shall determine the gross rent based upon a reasonable amount of rent. Gross rent shall be deemed to be paid only if actually paid prior to the date a return is filed. The director of revenue may prescribe regulations requiring a return of information by a landlord receiving rent, certifying for a calendar year the amount of gross rent received from a tenant claiming a property tax credit and shall, by regulation, provide a method for certification by the claimant of the amount of gross rent paid for any calendar year for which a claim is made. The regulations authorized by this subdivision may require a landlord or a tenant or both to provide data relating to health and personal care services and to food. Neither a landlord nor a tenant may be required to provide data relating to utilities, furniture, home furnishings or appliances;

(4) “Homestead”, the dwelling in Missouri owned [or rented] by the claimant and not to exceed five acres of land surrounding it as is reasonably necessary for use of the dwelling as a home. It may consist of part of a multidwelling or multipurpose building and part of the land upon which it is built. “Owned” includes a vendee in possession under a land contract and one or more tenants by the entireties, joint tenants, or tenants in common and includes a claimant actually in possession if he was the immediate former owner

of record, if a lineal descendant is presently the owner of record, and if the claimant actually pays all taxes upon the property. It may include a mobile home;

[(5)] (4) “Income”, Missouri adjusted gross income as defined in section 143.121 less two thousand dollars, or in the case of a homestead owned and occupied, for the entire year, by the claimant, less four thousand dollars as an exemption for the claimant’s spouse residing at the same address, and increased, where necessary, to reflect the following:

(a) Social Security, railroad retirement, and veterans payments and benefits unless the claimant is a one hundred percent service-connected, disabled veteran or a spouse of a one hundred percent service-connected, disabled veteran. The one hundred percent service-connected disabled veteran shall not be required to list veterans payments and benefits;

(b) The total amount of all other public and private pensions and annuities;

(c) Public relief, public assistance, and unemployment benefits received in cash, other than benefits received under this chapter;

(d) No deduction being allowed for losses not incurred in a trade or business;

(e) Interest on the obligations of the United States, any state, or any of their subdivisions and instrumentalities;

[(6)] (5) “Property taxes accrued”, property taxes paid, exclusive of special assessments, penalties, interest, and charges for service levied on a claimant’s homestead in any calendar year. Property taxes shall qualify for the credit only if actually paid prior to the date a return is filed. The director of revenue shall require a tax receipt or other proof of property tax payment. If a homestead is owned only partially by claimant, then “property taxes accrued” is that part of property taxes levied on the homestead which was actually paid by the claimant. For purposes of this subdivision, property taxes are “levied” when the tax roll is delivered to the director of revenue for collection. If a claimant owns a homestead part of the preceding calendar year and rents it or a different homestead for part of the same year, “property taxes accrued” means only taxes levied on the homestead both owned and occupied by the claimant, multiplied by the percentage of twelve months that such property was owned and occupied as the homestead of the claimant during the year. When a claimant owns and occupies two or more different homesteads in the same calendar year, property taxes accrued shall be the sum of taxes allocable to those several properties occupied by the claimant as a homestead for the year. If a homestead is an integral part of a larger unit such as a farm, or multipurpose or multidwelling building, property taxes accrued shall be that percentage of the total property taxes accrued as the value of the homestead is of the total value. For purposes of this subdivision “unit” refers to the parcel of property covered by a single tax statement of which the homestead is a part[;

(7) “Rent constituting property taxes accrued”, twenty percent of the gross rent paid by a claimant and spouse in the calendar year].”; and

Further amend said bill, Sections 135.025, 135.030, 135.352, 135.484, 135.630, and 135.647, Pages 19-26, by striking all of said sections from the bill and inserting in lieu thereof the following:

“135.025. 1. The property taxes accrued [and rent constituting property taxes accrued] on each return shall be totaled. This total, up to [seven hundred fifty dollars in rent constituting property taxes actually paid or] eleven hundred dollars in actual property tax paid, shall be used in determining the property tax credit. The director of revenue shall prescribe regulations providing for allocations where part of a claimant’s

homestead is rented to another or used for nondwelling purposes or where a homestead is owned [or rented] or used as a dwelling for part of a year.

2. (1) The director of the department of revenue shall calculate the amount of property tax credit that was attributable to renters in fiscal year 2011. Beginning with the budget request for fiscal year 2013, the director shall annually request that amount be transferred from the general revenue fund to the Missouri senior services protection fund. The money in such fund shall be appropriated for the Missouri Rx plan under section 208.782, services for seniors through the area agencies on aging, and other programs for low-income seniors.

(2) There is hereby created in the state treasury the “Missouri Senior Services Protection Fund”, which shall consist of all gifts, donations, transfers, moneys appropriated to the fund by the general assembly, and bequests to the fund. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, money in the fund shall be used solely for the purposes provided in this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

135.030. 1. As used in this section:

(1) The term “maximum upper limit” shall, for each calendar year after December 31, 1997, but before calendar year 2008, be the sum of twenty-five thousand dollars. For all calendar years beginning on or after January 1, 2008, the maximum upper limit shall be the sum of twenty-seven thousand five hundred dollars. In the case of a homestead owned and occupied for the entire year by the claimant, the maximum upper limit shall be the sum of thirty thousand dollars;

(2) The term “minimum base” shall, for each calendar year after December 31, 1997, but before calendar year 2008, be the sum of thirteen thousand dollars. For all calendar years beginning on or after January 1, 2008, the minimum base shall be the sum of fourteen thousand three hundred dollars.

2. If the income on a return is equal to or less than the maximum upper limit for the calendar year for which the return is filed, the property tax credit shall be determined from a table of credits based upon the amount by which the total property tax described in section 135.025 exceeds the percent of income in the following list:

If the income on the return is:	The percent is:
Not over the minimum base	0 percent with credit not to exceed \$1,100 in actual property tax [or rent equivalent] paid [up to \$750]
Over the minimum base but not over the maximum upper limit	1/16 percent accumulative per \$300 from 0 percent to 4 percent.

The director of revenue shall prescribe a table based upon the preceding sentences. The property tax shall be in increments of twenty-five dollars and the income in increments of three hundred dollars. The credit shall be the amount rounded to the nearest whole dollar computed on the basis of the property tax and income at the midpoints of each increment. As used in this subsection, the term “accumulative” means an increase by continuous or repeated application of the percent to the income increment at each three hundred dollar level.

3. Notwithstanding subsection 4 of section 32.057, the department of revenue or any duly authorized employee or agent shall determine whether any taxpayer filing a report or return with the department of revenue who has not applied for the credit allowed pursuant to section 135.020 may qualify for the credit, and shall notify any qualified claimant of the claimant’s potential eligibility, where the department determines such potential eligibility exists.

135.352. 1. A taxpayer owning an interest in a qualified Missouri project shall[, subject to the limitations provided under the provisions of subsection 3 of this section,] be allowed a state tax credit, [whether or not allowed a federal tax credit,] to be termed the Missouri low-income housing tax credit, if the commission issues an eligibility statement for that project.

2. For qualified Missouri projects [placed in service after January 1, 1997, the] **authorized on or after July 1, 2011, one hundred million dollars in** Missouri low-income housing tax [credit available to a project shall be such amount as the commission shall determine is necessary to ensure the feasibility of the project, up to an amount equal to the] **credits shall be awarded during each fiscal year to projects which are awarded** federal low-income housing tax [credit for a qualified Missouri project, for a federal tax period, and such amount shall be subtracted from the amount of state tax otherwise due for the same tax period] **credits by the commission and such Missouri low-income housing tax credits shall be claimed over a period of time which shall correspond to the time during which the federal low-income housing tax credits awarded for such qualified Missouri projects are claimed. Tax credits authorized after July 1, 2011, for projects financed through tax-exempt bond issuance shall not be subject to the limitations provided under this section. Provisions of the subsection to the contrary, in no event shall more than one hundred million dollars be awarded in tax credits under this subsection.”; and**

3. **For fiscal year 2011, no more than six million dollars in tax credits shall be authorized each fiscal year for projects financed through tax-exempt bond issuance. Beginning July 1, 2012, until June 30, 2017 no more than twenty million dollars in low-income housing tax credits shall be awarded during each fiscal year for projects financed through tax-exempt bond issuance and such Missouri low-income housing tax credits shall be claimed over a period of time which shall correspond to the time during which the federal low-income housing tax credits awarded for such qualified Missouri projects are claimed.**

4. The Missouri low-income housing tax credit shall be taken against the taxes and in the order specified pursuant to section 32.115. The credit authorized by this section shall not be refundable. Any amount of credit that exceeds the tax due for a taxpayer’s taxable year may be carried back to any of the taxpayer’s three prior taxable years or carried forward to any of the taxpayer’s five subsequent taxable years. **For projects authorized on or after July 1, 2011, any amount of credit that exceeds the tax due for a taxpayer’s taxable year may be carried back to any of the taxpayer’s two previous taxable years or carried forward to any of the taxpayer’s five subsequent taxable years.**

5. All or any portion of Missouri tax credits issued in accordance with the provisions of sections 135.350

to 135.362 may be allocated to parties who are eligible pursuant to the provisions of subsection 1 of this section. Beginning January 1, 1995, for qualified projects which began on or after January 1, 1994, an owner of a qualified Missouri project shall certify to the director the amount of credit allocated to each taxpayer. The owner of the project shall provide to the director appropriate information so that the low-income housing tax credit can be properly allocated.

6. In the event that recapture of Missouri low-income housing tax credits is required pursuant to subsection 2 of section 135.355, any statement submitted to the director as provided in this section shall include the proportion of the state credit required to be recaptured, the identity of each taxpayer subject to the recapture and the amount of credit previously allocated to such taxpayer.

7. The director of the department may promulgate rules and regulations necessary to administer the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

8. Notwithstanding any provision of law to the contrary, no tax credits provided under this section shall be authorized on or after August 28, 2021. The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to issue tax credits authorized prior to August 28, 2021, or a taxpayer's ability to redeem such tax credits.

135.484. 1. Beginning January 1, 2000, tax credits shall be allowed pursuant to section 135.481 in an amount not to exceed sixteen million dollars per year. Of this total amount of tax credits in any given year, eight million dollars shall be set aside for projects in areas described in subdivision (6) of section 135.478 and eight million dollars for projects in areas described in subdivision (10) of section 135.478. The maximum tax credit for a project consisting of multiple-unit qualifying residences in a distressed community shall not exceed three million dollars.

2. Any amount of credit which exceeds the tax liability of a taxpayer for the tax year in which the credit is first claimed may be carried back to any of the taxpayer's three prior tax years and carried forward to any of the taxpayer's five subsequent tax years. A certificate of tax credit issued to a taxpayer by the department may be assigned, transferred, sold or otherwise conveyed. Whenever a certificate of tax credit is assigned, transferred, sold or otherwise conveyed, a notarized endorsement shall be filed with the department specifying the name and address of the new owner of the tax credit and the value of the credit.

3. The tax credits allowed pursuant to sections 135.475 to 135.487 may not be claimed in addition to any other state tax credits, with the exception of the historic structures rehabilitation tax credit authorized pursuant to sections 253.545 to 253.559, which insofar as sections 135.475 to 135.487 are concerned may be claimed only in conjunction with the tax credit allowed pursuant to subsection 4 of section 135.481. In order for a taxpayer eligible for the historic structures rehabilitation tax credit to claim the tax credit allowed pursuant to subsection 4 of section 135.481, the taxpayer must comply with the requirements of sections 253.545 to 253.559, and in such cases, the amount of the tax credit pursuant to subsection 4 of section 135.481 shall be limited to the lesser of twenty percent of the taxpayer's eligible costs or forty thousand dollars.

4. Notwithstanding any provision of law to the contrary, no tax credits provided under sections 135.475 to 135.487 shall be authorized on or after August 28, 2011. The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to issue tax credits authorized prior to August 28, 2011, or a taxpayer's ability to redeem such tax credits.

135.487. 1. To obtain any credit allowed pursuant to sections 135.475 to 135.487, a taxpayer shall submit to the department, for preliminary approval, an application for tax credit. The director shall, upon final approval of an application and presentation of acceptable proof of substantial completion of construction, issue the taxpayer a certificate of tax credit. The director shall issue all credits allowed pursuant to sections 135.475 to 135.487 in the order the applications are received. In the case of a taxpayer other than an owner-occupant, the director shall not delay the issuance of a tax credit pursuant to sections 135.475 to 135.487 until the sale of a residence at market rate for owner-occupancy. A taxpayer[, taxpayer] other than an owner-occupant who receives a certificate of tax credit pursuant to sections 135.475 to 135.487 shall, within thirty days of the date of the sale of a residence, furnish to the director satisfactory proof that such residence was sold at market rate for owner-occupancy. If the director reasonably determines that a residence was not in good faith intended for long-term owner occupancy, the director make revoke any tax credits issued and seek recovery of any tax credits issued pursuant to section 620.017.

2. The department may cooperate with a municipality or a county in which a project is located to help identify the location of the project, the type and eligibility of the project, the estimated cost of the project and the completion date of the project.

3. The department may promulgate such rules or regulations or issue administrative guidelines as are necessary to administer the provisions of sections 135.475 to 135.487. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

4. The department shall conduct annually a comprehensive program evaluation illustrating where the tax credits allowed pursuant to sections 135.475 to 135.487 are being utilized, explaining the economic impact of such program and making recommendations on appropriate program modifications to ensure the program's success.

5. Notwithstanding any provision of law to the contrary, no tax credits provided under this section shall be authorized on or after August 28, 2011. The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to issue tax credits authorized prior to August 28, 2011, or a taxpayer's ability to redeem such tax credits.

135.630. 1. As used in this section, the following terms mean:

- (1) "Contribution", a donation of cash, stock, bonds, or other marketable securities, or real property;
- (2) "Director", the director of the department of social services;
- (3) "Pregnancy resource center", a nonresidential facility located in this state:

(a) Established and operating primarily to provide assistance to women with crisis pregnancies or unplanned pregnancies by offering pregnancy testing, counseling, emotional and material support, and other similar services to encourage and assist such women in carrying their pregnancies to term; and

(b) Where childbirths are not performed; and

(c) Which does not perform, induce, or refer for abortions and which does not hold itself out as performing, inducing, or referring for abortions; and

(d) Which provides direct client services at the facility, as opposed to merely providing counseling or referral services by telephone; and

(e) Which provides its services at no cost to its clients; and

(f) When providing medical services, such medical services must be performed in accordance with Missouri statute; and

(g) Which is exempt from income taxation pursuant to the Internal Revenue Code of 1986, as amended;

(4) “State tax liability”, in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148, and 153, excluding sections 143.191 to 143.265 and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, excluding sections 143.191 to 143.265 and related provisions;

(5) “Taxpayer”, a person, firm, a partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, or an individual subject to the state income tax imposed by the provisions of chapter 143, or any which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143.

2. For all tax years beginning on or after January 1, 2007, a taxpayer shall be allowed to claim a tax credit against the taxpayer’s state tax liability in an amount equal to fifty percent of the amount such taxpayer contributed to a pregnancy resource center.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer’s state tax liability for the taxable year for which the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer’s contribution or contributions to a pregnancy resource center or centers in such taxpayer’s taxable year has a value of at least one hundred dollars.

5. The director shall determine, at least annually, which facilities in this state may be classified as pregnancy resource centers. The director may require of a facility seeking to be classified as a pregnancy resource center whatever information which is reasonably necessary to make such a determination. The director shall classify a facility as a pregnancy resource center if such facility meets the definition set forth in subsection 1 of this section.

6. The director shall establish a procedure by which a taxpayer can determine if a facility has been classified as a pregnancy resource center. Pregnancy resource centers shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to pregnancy resource centers in any one fiscal year shall not exceed two million dollars. Tax credits shall be issued in the order contributions are received.

7. The director shall establish a procedure by which, from the beginning of the fiscal year until some

point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all facilities classified as pregnancy resource centers. If a pregnancy resource center fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those pregnancy resource centers that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. Each pregnancy resource center shall provide information to the director concerning the identity of each taxpayer making a contribution to the pregnancy resource center who is claiming a tax credit pursuant to this section and the amount of the contribution. The director shall provide the information to the director of revenue. The director shall be subject to the confidentiality and penalty provisions of section 32.057 relating to the disclosure of tax information.

9. Notwithstanding any other law to the contrary, any tax credits granted under this section may be assigned, transferred, sold, or otherwise conveyed without consent or approval. Such taxpayer, hereinafter the assignor for purposes of this section, may sell, assign, exchange, or otherwise transfer earned tax credits:

- (1) For no less than seventy-five percent of the par value of such credits; and
- (2) In an amount not to exceed one hundred percent of annual earned credits.

10. [Pursuant to section 23.253 of the Missouri sunset act:

(1) Any new program authorized under this section shall automatically sunset six years after August 28, 2006, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, The program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which a program authorized under this section is sunset] **Notwithstanding any provision of law to the contrary, no tax credits provided under this section shall be authorized on or after August 28, 2016. The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to issue tax credits authorized prior to August 28, 2016, or a taxpayer's ability to redeem such tax credits.**

135.647. 1. As used in this section, the following terms shall mean:

(1) "Local food pantry", any food pantry that is:

(a) Exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, as amended; and

(b) Distributing emergency food supplies to Missouri low-income people who would otherwise not have access to food supplies in the area in which the taxpayer claiming the tax credit under this section resides;

(2) "Taxpayer", an individual, a firm, a partner in a firm, corporation, or a shareholder in an S corporation doing business in this state and subject to the state income tax imposed by chapter 143,

excluding withholding tax imposed by sections 143.191 to 143.265.

2. For all tax years beginning on or after January 1, 2007, any taxpayer who donates cash or food, unless such food is donated after the food's expiration date, to any local food spantry shall be allowed a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, in an amount equal to fifty percent of the value of the donations made to the extent such amounts that have been subtracted from federal adjusted gross income or federal taxable income are added back in the determination of Missouri adjusted gross income or Missouri taxable income before the credit can be claimed. Each taxpayer claiming a tax credit under this section shall file an affidavit with the income tax return verifying the amount of their contributions. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the tax year that the credit is claimed, and shall not exceed two thousand five hundred dollars per taxpayer claiming the credit. Any amount of credit that the taxpayer is prohibited by this section from claiming in a tax year shall not be refundable, but may be carried forward to any of the taxpayer's three subsequent taxable years. No tax credit granted under this section shall be transferred, sold, or assigned. No taxpayer shall be eligible to receive a credit pursuant to this section if such taxpayer employs persons who are not authorized to work in the United States under federal law.

3. The cumulative amount of tax credits under this section which may be allocated to all taxpayers contributing to a local food pantry in any one fiscal year shall not exceed two million dollars. The director of revenue shall establish a procedure by which the cumulative amount of tax credits is apportioned among all taxpayers claiming the credit by April fifteenth of the fiscal year in which the tax credit is claimed. To the maximum extent possible, the director of revenue shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

4. Any local food pantry may accept or reject any donation of food made under this section for any reason. For purposes of this section, any donations of food accepted by a local food pantry shall be valued at fair market value, or at wholesale value if the taxpayer making the donation of food is a retail grocery store, food broker, wholesaler, or restaurant.

5. The department of revenue shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

6. [Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset four years after August 28, 2007, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, The program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset] **Notwithstanding any provision of law to the contrary, no tax credits provided under this section shall be authorized on or after**

August 28, 2016. The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to issue tax credits authorized prior to August 28, 2016, or a taxpayer's ability to redeem such tax credits."; and

Further amend said bill, Sections 135.1500, 135.1503, 135.1505, 135.1507, 135.1509, 135.1511, 135.1513, 135.1515, 135.1517, 135.1519, and 135.1521, Pages 30 - 37, by striking all of said Sections from the bill and inserting in lieu thereof the following:

"135.1500. 1. Sections 135.1500 to 135.1519, shall be known and may be cited as the "Aerotropolis Trade Incentive and Tax Credit Act".

2. As used in sections 135.1500 to 135.1519, unless the context clearly requires otherwise, the following terms shall mean:

(1) "Air export tax credit", the tax credit against the taxes imposed under chapters 143, 147, and 148, except for sections 143.191 to 143.265, to be issued by the department to a claiming freight forwarder for the shipment of air cargo on a qualifying outbound flight;

(2) "Airport", an airport which is owned and operated by a city not within a county;

(3) "Cargo activity", all of the inbound cargo activity and outbound cargo activity into and from an eligible facility;

(4) "Certificate of compliance", a certificate submitted with any application for a tax credit or tax incentive specified in section 135.1513, that shall certify that all requisite requirements for the issuance of such tax credits and tax incentives have been satisfied for such eligible facility and shall provide evidence of such satisfaction;

(5) "Certificate of occupancy", the certificate or permit issued by a municipality that permits the commercial use or occupancy of a building or structure;

(6) "Chargeable kilo", the shipment of a kilo of freight, as measured by the greater of:

(a) Actual weight; or

(b) A dimensional weight, as determined by the conversion factors promulgated by the International Air Transport Association, on a qualifying outbound flight or a qualifying inbound flight;

(7) "Claiming freight forwarder", the freight forwarder designated as the "agent" on the airway bill for the qualifying outbound flight for which such air export tax credit is sought;

(8) "Department", the Missouri department of economic development;

(9) "Direct all cargo aircraft flight", a flight that flies directly to its destination without stopping, except to receive fuel and maintenance;

(10) "Economic incentive laws", any provision of Missouri law under which economic incentives are provided to redevelopers of a parcel or parcels to redevelop the land, such as tax abatement or payments in lieu of taxes, or redevelopment plans or redevelopment projects approved or adopted which include the use of economic incentives to redevelop the land;

(11) "Eligible costs", the following costs associated with the development and construction of an eligible facility:

(a) Costs and expenses of construction of the eligible facility, including fixtures and equipment; and

(b) Demolition costs of vacant structures.

Eligible costs shall not include costs of site improvements or costs of environmental remediation;

(12) “Eligible facility”, a qualifying gateway facility, qualifying cold-chain facility, or qualifying assembly and manufacturing facility;

(13) “Eligibility period”, the time period, not to exceed seven fiscal years, during which an owner of an eligible facility may receive benefits under section 135.1513. Such time period shall begin to run twelve months after the date on which the certificate of occupancy is issued for each eligible facility, and shall continue for the next subsequent seven fiscal years;

(14) “Fiscal year”, the twelve consecutive month time period beginning on the date, which is twelve months after the date on which the certificate of occupancy is issued for an eligible facility, and ending on the last day of the twelfth month thereafter, with each subsequent fiscal year beginning on the anniversary of the date, which is twelve months after the date of the issuance of such certificate of occupancy, and ending on the last day of the twelfth month thereafter;

(15) “Freight forwarder”, a person that assumes responsibility in the ordinary course of its business for the transportation of cargo from the place of receipt to the place of destination, including the utilization of a qualifying outbound flight;

(16) “Full-time employee”, an employee who is located at an eligible facility and is scheduled to work an average of at least thirty-five hours per week for a twelve-month period;

(17) “Gateway zone”, an area within this state designated under the provisions of sections 135.1500 to 135.1519, which shall be within:

(a) A site of at least one hundred contiguous acres located within fifty miles of an airport; provided, however, such one hundred acres need not be contiguous if the acreage is located within a larger designated urban renewal area or redevelopment area under economic incentive laws;

(b) An area within the boundaries of an airport; or

(c) Any area owned or managed by the port authority of a county or a city not within a county;

(18) “Inbound cargo activity”, the receipt of materials, components, goods, and products at an eligible facility from another destination through any mode of multimodal commerce. The term “inbound cargo activity” shall not include road transportation from the airport to the eligible facility;

(19) “Level one air cargo activity”, where:

(a) At least twenty percent of the total outbound cargo activity of an eligible facility consists of chargeable kilos shipped from such facility, on a qualifying outbound flight by the owner of, or any tenant in, such facility; or

(b) At least twenty percent of the total inbound cargo activity of an eligible facility consists of chargeable kilos shipped on a qualifying inbound flight to the owner of, or any tenant in, an eligible facility, whether or not the inbound shipment is stored at any time within such facility; or

(c) At least twenty percent of the total cargo activity of an eligible facility consists of:

a. Chargeable kilos shipped from such facility, on a qualifying outbound flight by the owner of, or any tenant in, such facility; and

b. Chargeable kilos shipped on a qualifying inbound flight to the owner of, or any tenant in, an eligible facility, whether or not the inbound shipment is stored at any time within such facility;

(20) “Level two air cargo activity”, where:

(a) At least ten percent of the total outbound cargo activity of an eligible facility consists of chargeable kilos shipped from such facility, on a qualifying outbound flight by the owner of, or any tenant in, such facility; or

(b) At least ten percent of the total inbound cargo activity of an eligible facility consists of chargeable kilos shipped on a qualifying inbound flight to the owner of, or any tenant in, an eligible facility, whether or not the inbound shipment is stored at any time within such facility; or

(c) At least ten percent of the total cargo activity of an eligible facility consists of:

a. Chargeable kilos shipped from such facility, on a qualifying outbound flight by the owner of, or any tenant in, such facility; and

b. Chargeable kilos shipped on a qualifying inbound flight to the owner of, or any tenant in, an eligible facility, whether or not the inbound shipment is stored at any time within such facility;

(21) “Multimodal commerce”, modes of commerce for the shipment of materials, components, goods, or products, including road transportation, railroad transportation, water transportation, or aircraft transportation;

(22) “Municipality”, any city, town, village, or county;

(23) “New building”, a new structure or building for which a certificate of occupancy was issued on or after July 1, 2011 for commercial activity, including fixtures and equipment;

(24) “New job”, a person who was not employed at the eligible facility as a full-time employee on or prior to the date of the issuance of the certificate of occupancy for the eligible facility. No job that was created prior to the date of the issuance of the certificate of occupancy for the eligible facility shall be deemed a new job. An employee that spends less than fifty percent of the employee’s work time at the eligible facility is still considered to be located at an eligible facility if the employee receives his or her directions and control from that facility, is on the facility’s payroll, and one hundred percent of the employee’s income from such employment is Missouri income;

(25) “Outbound cargo activity”, the shipment of materials, components, goods, and products from an eligible facility to another destination through any mode of multimodal commerce. The term “outbound cargo activity” shall not include road transportation to the airport from the eligible facility;

(26) “Perishable freight”, agricultural products, including seeds, garden products, live animals, and processed meat products such as pork and beef;

(27) “Qualifying applicant”, an owner of, or tenant in, an eligible facility;

(28) “Qualifying assembly and manufacturing facility”, a new building located within a gateway zone that is equipped for manufacturing or assembly and in which the receipt of production materials or components or the shipment of finished goods or products, or both, involves at least two modes of multimodal commerce;

(29) “Qualifying cargo activity”, meeting or exceeding the requirements for level one air cargo activity or level two air cargo activity;

(30) “Qualifying cold-chain facility”, a new building located within a gateway zone which has within it equipment for maintaining necessary temperatures for the processing, packaging, or distribution of temperature-sensitive products, provided that at least eighty percent of the usable square footage of such facility is refrigerated;

(31) “Qualifying gateway facility”, a new building located within a gateway zone in which qualifying cargo activity occurs, provided that no more than twenty percent of the usable space within the qualifying gateway facility is devoted to office or retail use;

(32) “Qualifying inbound flight”, an all cargo aircraft flight originating from an international destination to the airport;

(33) “Qualifying outbound flight”, a direct all cargo aircraft flight from the airport to an international destination; and

(34) “Tenant in an eligible facility”, a tenant or subtenant who is operating within an eligible facility and is a tenant or subtenant of the owners of an eligible facility, or a licensee who is operating within an eligible facility and is a licensee of such owner, tenant, or subtenant.

135.1503. 1. Any executive officer of a county or the mayor of any city not within a county desiring to designate a gateway zone shall cause the governing body of such county or city not within a county to hold a public hearing for the purpose of obtaining the opinion and suggestions of those persons who will be affected by such designation. The county or the city not within a county shall publish notice of such hearing in a newspaper of general circulation in the area to be affected by such designation at least twenty days prior to the date of the hearing but not more than thirty days prior to such hearing. Such notice shall state the time, location, date, and purpose of the hearing.

2. Following conclusion of the public hearing required by this section, the executive officer of any county or the mayor of any city not within a county shall notify the department in writing of the designation of the gateway zone. Such notification shall include evidence that the requisite public hearing has been conducted, a legal description of the area of the gateway zone, the street location, if available, the acreage of the gateway zone, a survey of the gateway zone, a plan for the utilization and marketing of the gateway zone, and confirmation that zoning has been obtained for the gateway zone or any portion thereof which zoning is consistent with the uses of property as contemplated under sections 135.1500 to 135.1519.

3. The department shall have a period of sixty calendar days to verify that such gateway zone satisfies the requirements under section 135.1500. If the department does not notify the executive officer of the county, or the mayor of any city not within a county, designating the gateway zone, of its verification that the requirements are satisfied, or the department does not notify such executive officer or such mayor of its denial and provide a detailed description of the reason for the denial of such verification within such sixty day time period, then the requirements under section 135.1500 shall be deemed to have been satisfied.

4. If the department provides such executive officer or mayor with a detailed description of a reason for its denial within such sixty day time period, such executive officer or mayor may submit a revised notification. Any such revised notification shall be subject to the provisions of subsection

3 of this section.

135.1505. 1. There shall be an annual special assessment levied on any eligible facility, which receives benefits under sections 135.1500 to 135.1519, at the rate of twenty cents per rentable square foot of such facility; provided however, any special assessments levied on such eligible facilities located within the boundaries of the airport shall be remitted to the airport. The county collector of revenue of the county in which a gateway zone is located, or the collector of revenue for the city in which a gateway zone is located if the gateway zone is located in a city not within a county, shall annually levy the special assessments in the same manner as real property taxes are collected.

2. On or before the first day of February of each year and after deducting the reasonable and actual cost of such collection not to exceed one percent of the total amount collected, the county or city collector of revenue, who has collected the special assessments, shall remit to the entities identified in subsection 3 of this section the percentages of special assessments set forth in such subsection. Such county or city collector of revenue shall collect the special assessments prior to the fifteenth day of January of each year. Upon receipt of such money, the entities, identified in subsection 3 of this section, shall execute a receipt therefor, which the entities shall forward or deliver to the county or city collector of revenue.

3. After the payment of any fees related to the collection of the special assessments and the remittance of any special assessments identified for remittance under subsection 1 of this section to the airport, the remaining revenues collected from the special assessments shall be utilized as follows:

(a) Fifty percent of such revenues shall be annually transferred to the airport. The proceeds of the net special assessments shall be placed in a special fund for marketing and promotion of the airport and shall not be comingled with any other funds of the airport;

(b) The remaining fifty percent of such revenues shall be annually transferred to a tax exempt regional or county economic development association or associations, selected by the executive officer of any county, or the mayor of a city not within a county, which contains a gateway zone for the marketing and promotion of the gateway zone. Such county or city shall enter into an agreement or agreements with such tax exempt economic development association or associations for the marketing and promotion of the gateway zone and shall review and approve the annual budget of such association or associations for such marketing and promotion. Such tax exempt regional or county economic development association or associations shall not comingle any of such revenues with any other funds of the association or associations.

4. The airport and such tax exempt regional or county economic development association or associations shall be subject to periodic audits by the state auditor to be paid in accordance with section 29.230. The airport shall report, and such executive officer or mayor shall cause the tax exempt regional or county economic development association performing such marketing and promotion to report, to the department the status of the gateway zone and the use of revenues generated through the levying of special assessments under this section.

135.1507. 1. For all taxable years beginning on or after January 1, 2011, a claiming freight forwarder shall be entitled to an air export tax credit for the shipment of cargo on a qualifying outbound flight in an amount equal to thirty cents per chargeable kilo.

2. For all taxable years beginning on or after January 1, 2011, a claiming freight forwarder shall

be entitled to an air export tax credit for the shipment of perishable freight on a qualifying outbound flight in an amount equal to thirty-five cents per chargeable kilo.

3. No claiming freight forwarder shall receive air export tax credits under both subsections 1 and 2 of this section for a single shipment on a qualifying outbound flight.

4. The department shall index the amount of the air export tax credits to adjust each year depending upon fluctuations in the cost of fuel for over-the-road transportation.

135.1509. 1. To receive benefits provided under section 135.1507, a claiming freight forwarder shall file an application with the department within one hundred twenty calendar days of the date that the shipment for which air export tax credits are being sought was transported on the qualifying outbound flight. The documentation to be presented by the claiming freight forwarder in such an application shall consist of the master airway bill for the shipment on the qualifying outbound flight for which the claiming freight forwarder is seeking air export tax credits. All master airway bills shall specify an origin located within the United States of America for the shipments to qualify for air export tax credits. The department shall establish procedures to allow claiming freight forwarders that file applications for air export tax credits to receive such tax credits within ten business days of the date of the filing of the application for air export tax credits relating to the qualifying outbound flight. No application shall be approved for any continuing direct all cargo aircraft flights from the airport to an international destination conducted by a carrier, which conducted such flights on a scheduled basis prior to May 1, 2011, and which continuing flights after May 1, 2011, would otherwise have constituted qualifying outbound flights.

2. If the annual cap on the issuance of air export tax credits provided under section 135.1511, is met in a given year, then the amount of such tax credits which have been authorized, but remain unissued, shall be carried forward and issued in the subsequent year.

3. No tax credits provided under this section shall be authorized after August 28, 2019. Any tax credits authorized on or before August 28, 2019, but not issued prior to such date may be issued until all such authorized tax credits have been issued.

135.1511. The total aggregate amount for air export tax credits authorized under section 135.1507 shall not exceed sixty million dollars. The amount of the air export tax credits issued under section 135.1507 shall not exceed:

(1) Three million six hundred thousand dollars for the taxable year beginning on or after January 1, 2011, but ending on or before December 31, 2011;

(2) Four million eight hundred thousand dollars for the taxable year beginning on or after January 1, 2012, but ending on or before December 31, 2012; and

(3) The greater of one million two hundred thousand dollars per weekly qualifying outbound flight or three million six hundred thousand dollars for all taxable years beginning on or after January 1, 2013.

The department shall annually determine the number of weekly qualifying outbound flights, which shall be the average number of such flights per week during the month of September of the previous year.

135.1513. 1. For all taxable years beginning on or after January 1, 2013, qualifying applicants shall

be entitled to the following benefits:

(1) The owner of any eligible facility with level one air cargo activity shall be entitled, during the eligibility period, to receive tax credits against the taxes imposed under chapters 143, 147, and 148, except for sections 143.191 to 143.265, equal to six percent of the eligible costs for such facility for each year that such facility meets or exceeds level one air cargo activity volumes, provided that the owner can demonstrate that at least ten new jobs are projected to be created at the facility by no later than the end of the eligibility period. The total amount of tax credits issued for any such facility shall not exceed thirty percent of such facility's eligible costs. No tax credits provided under this subdivision shall be issued prior to January 1, 2013;

(2) The owner of any qualifying gateway facility with level two air cargo activity, a qualifying assembly and manufacturing facility, or a qualifying cold-chain facility shall be entitled, during the eligibility period, to receive tax credits against the taxes imposed under chapters 143, 147, and 148, except for sections 143.191 to 143.265, equal to four percent of the eligible costs for such facility for each year that such facility satisfies the requirements of sections 135.1500 to 135.1519, provided that the owner can demonstrate that at least ten new jobs are projected to be created at the facility by no later than the end of the eligibility period. The total amount of tax credits issued for such facility shall not exceed twenty percent of such facility's eligible costs. No tax credits provided under this subdivision shall be issued prior to January 1, 2013; and

(3) Any tenant of an eligible facility and any individuals employed by such tenants shall be exempt from the earnings tax imposed by a city not within a county pursuant to sections 92.110 to 92.200 for each fiscal year during the eligibility period if such facility satisfies the requirements of sections 135.1500 to 135.1519.

2. If an eligible facility receives a certificate of occupancy prior to the sunset of the program, the owners of an eligible facility may apply for benefits provided under this section for the term of the eligibility period notwithstanding the sunset of the program prior to the end of the term of the eligibility period for such facility.

135.1515. 1. In order for an owner of an eligible facility to receive benefits provided under section 135.1513 for any fiscal year during the eligibility period, the eligible facility shall satisfy all applicable requirements provided under sections 135.1500 to 135.1519 for each such fiscal year by December thirty-first of the calendar year in which an application is filed under subsection 2 of this section.

2. Owners of an eligible facility seeking benefits provided under section 135.1513 shall file applications for such benefits, accompanied by a certificate of compliance, on or before December thirty-first of each year. If such facility, relating to which such owners are applying for such tax credits satisfies the applicable requirements provided under sections 135.1500 to 135.1519, the department shall grant such benefits on or before July fifteenth of the next calendar year following such time period.

3. If the annual cap for any of such tax credits provided under section 135.1517 is met in a year, then the amount of such tax credits authorized, but unissued, shall be carried forward and issued in the subsequent year.

4. No tax credits provided under this section shall be authorized after August 28, 2020. Any tax credits authorized on or before August 28, 2020, but not issued prior to such date may be issued until

all such authorized tax credits have been issued.

5. No owner of an eligible facility shall be entitled to receive benefits provided under section 135.1513 unless a certificate of occupancy has been issued for the eligible facility prior to August 28, 2020. An owner of an eligible facility for which a certificate of occupancy has been issued prior to August 28, 2020, may be granted benefits under this section.

135.1517. The total aggregate amount for all of the tax credits authorized under subdivisions (1) and (2) of subsection 1 of section 135.1513 shall not exceed three hundred million dollars. The annual amount of the tax credits issued under subdivisions (1) and (2) of subsection 1 of section 135.1513 shall not exceed:

(1) Two million dollars for the taxable year beginning on or after January 1, 2013, and ending on or before December 31, 2013;

(2) Fifteen million dollars for the taxable year beginning on or after January 1, 2014, and ending on or before December 31, 2014;

(3) Sixteen million dollars for the taxable year beginning on or after January 1, 2015, and ending on or before December 31, 2015;

(4) Twenty million dollars for all taxable years beginning on or after January 1, 2016, but ending on or before December 31, 2019;

(5) Thirty million dollars for all taxable years beginning on or after January 1, 2020, but ending on or before December 31, 2025; and

(6) Seven million dollars for the taxable year beginning on or after January 1, 2026, and ending on or before December 31, 2026.

135.1519. If the amount of any tax credit authorized under sections 135.1500 to 135.1519 exceeds the total tax liability for the year in which the applicant is entitled to receive a tax credit, the amount that exceeds the state tax liability may be carried forward for credit against the taxes imposed under chapters 143, 147, and 148, except sections 143.191 to 143.265, for the succeeding six years, or until the full credit is used, whichever occurs first. Tax credits authorized under the provisions of sections 135.1500 to 135.1519 may be transferred, sold, or otherwise assigned. Tax credits granted to a partnership, a limited liability company taxed as a partnership, or multiple owners of property shall be passed through to the partners, members, or owners respectively pro rata or under an executed agreement among the partners, members, or owners documenting an alternate distribution method.

135.1521. 1. The department may promulgate rules to implement the provisions of sections 135.1500 to 135.1519. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and to annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.

2. The provisions of the new programs authorized under sections 135.1500 to 135.1519 shall automatically sunset eight years after August 28, 2011, unless reauthorized by an act of the general

assembly. If such program is reauthorized, the program authorized under this section shall automatically sunset six years after the effective date of the reauthorization of this section. This section shall terminate on September first of the calendar year immediately following the calendar year in which the programs authorized under sections 135.1500 to 135.1519 sunset.”; and

Further amend said bill, Section 144.810, Pages 41- 46, by striking all of said Section from the bill and inserting in lieu thereof the following:

“144.810. 1. As used in this section, unless the context clearly indicates otherwise, the following terms mean:

(1) “Commencement of commercial operations”, shall be deemed to occur during the first calendar year for which the data storage center is first available for use by the operating taxpayer, or first capable of being used by the operating taxpayer, as a data storage center;

(2) “Constructing taxpayer”, where more than one taxpayer is responsible for a project, a taxpayer responsible for the construction of the facility, as opposed to a taxpayer responsible for the equipping and ongoing operations of the facility;

(3) “County average wage”, the average wages in each county as determined by the department for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of determining eligibility;

(4) “Data storage center” or “facility”, a facility constructed, extended, improved, or operating under this section, provided that such business facility is engaged primarily in:

(a) Data processing, hosting, and related services (NAICS 518210); or

(b) Internet publishing and broadcasting and web search portals (NAICS 519130), at the business facility;

(5) “Existing facility”, a data storage center in this state as it existed prior to August 28, 2011, as determined by the department;

(6) “Expanding facility” or “expanding data storage center”, an existing facility or replacement facility that expands its operations in this state on or after August 28, 2011, and has net new investment related to the expansion of operations in this state of at least five million dollars during a period of up to twelve consecutive months and results in the creation of at least five new jobs during a period of up to twenty-four consecutive months from the date of conditional approval for an exemption under this section, if the average wage of the new jobs equals or exceeds one hundred and fifty percent of the county average wage. An expanding facility shall continue to be an expanding facility regardless of a subsequent change in or addition of operating taxpayers or constructing taxpayers;

(7) “Expanding facility project” or “expanding data storage center project”, the construction, extension, improvement, equipping, and operation of an expanding facility;

(8) “Investment” shall include the value of real and depreciable personal property, acquired as part of the new or expanding facility project which is used in the operation of the facility following conditional approval of an exemption under this section;

(9) “NAICS”, the 2007 edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget. Any NAICS sector, subsector, industry group, or industry identified in this section shall include its corresponding classification in previous and subsequent federal industry classification systems;

(10) “New facility” or “new data storage center”, a facility in this state meeting the following requirements:

(a) The facility is acquired by, or leased to, an operating taxpayer on or after August 28, 2011. A facility shall be deemed to have been acquired by, or leased to, an operating taxpayer on or after August 28, 2011, if the transfer of title to an operating taxpayer, the transfer of possession under a binding contract to transfer title to an operating taxpayer, or the commencement of the term of the lease to an operating taxpayer occurs on or after August 28, 2011, or, if the facility is constructed, erected, or installed by or on behalf of an operating taxpayer, such construction, erection, or installation is commenced on or after August 28, 2011;

(b) If such facility was acquired by an operating or constructing taxpayer from another person or persons on or after August 28, 2011, and such facility was employed prior to August 28, 2011, by any other person or persons in the operation of a data storage center the facility shall not be considered a new facility;

(c) Such facility is not an expanding or replacement facility, as defined in this section;

(d) The new facility project investment is at least thirty-seven million dollars during a period of up to thirty-six consecutive months from the date of the conditional approval for an exemption under this section. Where more than one taxpayer is responsible for a project, the investment requirement may be met by an operating taxpayer, a constructing taxpayer, or a combination of constructing taxpayers and operating taxpayers;

(e) At least thirty new jobs are created at the new facility during a period of up to thirty six consecutive months from the date of conditional approval for an exemption under this section if the average wage of the new jobs equals or exceeds one hundred fifty percent of the county average wage; and

(f) A new facility shall continue to be a new facility regardless of a subsequent change in or addition of operating taxpayers or constructing taxpayers;

(11) “New data storage center project” or “new facility project”, the construction, extension, improvement, equipping, and operation of a new facility;

(12) “New job” in the case of a new data center project, the total number of full-time employees located at a new data storage center for a period of up to thirty-six consecutive months from the date of conditional approval for an exemption under this section. In the case of an expanding data storage center project, the total number of full-time employees located at the expanding data storage center that exceeds the greater of the number of full-time employees located at the project facility on the date of the submission of a project plan under this section or for the twelve-month period prior to the date of the submission of a project plan, the average number of full-time employees located at the expanding data storage center facility. In the event the expanding data storage center facility has not been in operation for a full twelve-month period at the time of the submission of a project plan, the average number of full-time employees for the number of months the expanding data storage center

facility has been in operation prior to the date of the submission of the project plan;

(13) “Operating taxpayer”, where more than one taxpayer is responsible for a project, a taxpayer responsible for the equipping and ongoing operations of the facility, as opposed to a taxpayer responsible for the purchasing or construction of the facility;

(14) “Project taxpayers”, each constructing taxpayer and each operating taxpayer for a data storage center project;

(15) “Replacement facility”, a facility in this state otherwise described in subdivision (7) of this subsection, but which replaces another facility located within the state, which the taxpayer or a related taxpayer previously operated but discontinued operating within one year prior to the commencement of commercial operations at the new facility;

(16) “Taxpayer”, the purchaser of tangible personal property or a service that is subject to state or local sales or use tax and from whom state or local sales or use tax is owed. Taxpayer shall not mean the seller charged by law with collecting the sales tax from the purchaser.

2. Beginning August 28, 2011, in addition to the exemptions granted under chapter 144, project taxpayers for a new data storage center project shall be entitled, for a project period not to exceed fifteen years from the date of conditional approval under this section and subject to the requirements of subsection 3 of this section, to an exemption of one hundred percent of the state and local sales and use taxes defined, levied, or calculated under section 32.085, sections 144.010 to 144.525, sections 144.600 to 144.761, or section 238.235, limited to the net fiscal benefit of the state calculated over a ten year period, on:

(1) All electrical energy, gas, water, and other utilities including telecommunication and internet services used in a new data storage center;

(2) All machinery, equipment, and computers used in any new data storage center; and

(3) All sales at retail of tangible personal property and materials for the purpose of constructing any new data storage center.

The amount of any exemption provided under this subsection shall not exceed the projected net fiscal benefit to the state over a period of ten years, as determined by the department of economic development using the Regional Economic Modeling, Inc. dataset or comparable data.

3. Any data storage center project seeking a tax exemption under subsection 2 of this section shall submit a project plan to the department of economic development, which shall identify each known constructing taxpayer and known operating taxpayer for the project and include any additional information the department of economic development may require to determine eligibility for the exemption. The department of economic development shall review the project plan and determine whether the project is eligible for the exemption under subsection 2 of this section, conditional upon subsequent verification by the department that the project meets the requirements in subsection 1 of this section for a new facility. The department of economic development shall convey such conditional approval to the department of revenue and the identified project taxpayers. After a conditionally approved new facility has met the requirements in subsection 1 of this section for a new facility and the execution of the agreement specified in subsection 6 of this section, the project taxpayers shall provide proof of the same to the department of economic development. Upon verification of such

proof, the department of economic development shall certify the new facility to the department of revenue as being eligible for the exemption dating retroactively to the first day of the thirty-six month period. The department of revenue, upon receipt of adequate proof of the amount of sales taxes paid since the first day of the thirty-six month period, shall issue a refund of taxes paid but eligible for exemption under subsection 2 of this section to each operating taxpayer and each constructing taxpayer and issue a certificate of exemption to each new project taxpayer for ongoing exemptions under subsection 2 of this section.

4. Beginning August 28, 2011, in addition to the exemptions granted under chapter 144, upon approval by the department of economic development, project taxpayers for expanding data center projects may, for a period not to exceed ten years, be specifically exempted from state and local sales and use taxes defined, levied, or calculated under section 32.085, sections 144.010 to 144.525, sections 144.600 to 144.761, or section 238.235 on:

(1) All electrical energy, gas, water, and other utilities including telecommunication and internet services used in an expanding data storage center which, on an annual basis, exceeds the amount of electrical energy, gas, water, and other utilities including telecommunication and internet services used in the existing facility or the replaced facility prior to the expansion, provided that any substantial renovation, as defined in section 8.800, at an expanding facility shall meet applicable provisions of the International Energy Conservation Code 2009 or most recent version thereof. For purposes of this subdivision only, amount shall be measured in kilowatt hours, gallons, cubic feet, or other measures applicable to a utility service as opposed to in dollars, to account for increases in utility rates;

(2) All machinery, equipment, and computers used in any expanding data storage center, the cost of which, on an annual basis, exceeds the average of the previous three years' expenditures on machinery, equipment, and computers at the existing facility or the replaced facility prior to the expansion. Existing facilities or replaced facilities in existence for less than three years shall have the average expenditures calculated based upon the applicable time of existence; and

(3) All sales at retail of tangible personal property and materials for the purpose of constructing, repairing, or remodeling any expanding data storage center.

The amount of any exemption provided under this subsection shall not exceed the projected net fiscal benefit to the state over a period of ten years, as determined by the department of economic development.

5. Any data storage center project seeking a tax exemption under subsection 4 of this section shall submit a project plan to the department of economic development, which shall identify each known constructing taxpayer and each known operating taxpayer for the project and include any additional information the department of economic development may reasonably require to determine eligibility for the exemption. The department of economic development shall review the project plan and determine whether the project is eligible for the exemption under subsection 4 of this section, conditional upon subsequent verification by the department that the project meets the requirements in subsection 1 of this section for an expanding facility project and the execution of the agreement specified in subsection 6 of this section. The department of economic development shall convey such conditional approval to the department of revenue and the identified project taxpayers. After a conditional approved facility has met the requirements in subsection 1 of this section, the project

taxpayers shall provide proof of the same to the department of economic development. Upon verification of such proof, the department of economic development shall certify the project to the department of revenue as being eligible for the exemption dating retroactively to the first day of the thirty-six month period. The department of revenue, upon receipt of adequate proof of the amount of sales taxes paid since the first day of the thirty-six month period, shall issue a refund of taxes paid but eligible for exemption under subsection 4 of this section to any applicable project taxpayer and issue a certificate of exemption to any applicable project taxpayer for ongoing exemptions under subsection 4 of this section.

6. (1) The exemptions in subsections 2 and 4 of this section shall be tied to the new or expanding facility project. A certificate of exemption in the hands of a taxpayer that is no longer an operating or constructing taxpayer of the new or expanding facility project shall be invalid as of the date the taxpayer was no longer an operating or constructing taxpayer of the new or expanding facility project. New certificates of exemption shall be issued to successor constructing taxpayers and operating taxpayers at such new or expanding facility projects. The right to the exemption by successor taxpayers shall exist without regard to subsequent levels of investment in the new or expanding facility by successor taxpayers.

(2) As a condition of receiving an exemption under subsection 2 or 4 of this section, the project taxpayers shall enter into an agreement with the department of economic development providing for repayment penalties in the event the data storage center project fails to comply with any of the requirements of this section.

(3) The department of revenue shall credit any amounts remitted by the project taxpayers under this subsection to the fund to which the sales and use taxes exempted would have otherwise been credited.

7. The department of economic development and the department of revenue shall cooperate in conducting random audits to ensure that the intent of this section is followed.

8. The department of economic development and the department of revenue shall jointly prescribe such rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.”; and

Further amend said bill, Sections 196.1109 and 196.1115, Pages 49- 51, by striking all of said sections from the bill and inserting in lieu thereof the following:

“196.1109. All moneys that are appropriated by the general assembly from the life sciences research trust fund shall be appropriated to the life sciences research board to increase the capacity for quality of life sciences research at public and private not-for-profit institutions in the state of Missouri and to thereby:

(1) Improve the quantity and quality of life sciences research at public and private not-for-profit institutions, including but not limited to basic research (including the discovery of new knowledge),

translational research (including translating knowledge into a usable form), and clinical research (including the literal application of a therapy or intervention to determine its efficacy), including but not limited to health research in human development and aging, cancer, endocrine, cardiovascular, neurological, pulmonary, and infectious disease, and plant sciences, including but not limited to nutrition and food safety; and

(2) Enhance technology transfer and technology commercialization derived from research at public and private not-for-profit institutions within the centers for excellence. For purposes of sections 196.1100 to 196.1130, “technology transfer and technology commercialization” includes stages of the regular business cycle occurring after research and development of a life science technology, including but not limited to reduction to practice, proof of concept, and achieving federal Food and Drug Administration, United States Department of Agriculture, or other regulatory requirements in addition to the definition in section 348.251. Funds received by the board may be used for purposes authorized in sections 196.1100 to 196.1130 and shall be subject to the restrictions of sections 196.1100 to 196.1130, including but not limited to the costs of personnel, supplies, equipment, and renovation or construction of physical facilities; provided that in any single fiscal year no more than [ten] **thirty** percent of the moneys appropriated shall be used for the construction of physical facilities and further provided that in any fiscal year **up to** eighty percent of the moneys shall be appropriated to build research capacity at public and private not-for-profit institutions and **at least** twenty percent **and no more than fifty percent** of the moneys shall be appropriated for grants to public or private not-for-profit institutions to promote life science technology transfer and technology commercialization. Of the moneys appropriated to build research capacity, twenty percent of the moneys shall be appropriated to promote the development of research of tobacco-related illnesses.

196.1115. 1. The moneys appropriated to the life sciences research board that are not distributed by the board in any fiscal year to a center for excellence or a center for excellence endorsed program pursuant to section 196.1112, if any, shall be held in reserve by the board or shall be awarded on the basis of peer review panel recommendations for capacity building initiatives proposed by public and private not-for-profit academic, research, or health care institutions or organizations, or individuals engaged in competitive research in targeted fields consistent with the provisions of sections 196.1100 to 196.1130.

2. The life sciences research board may, in view of the limitations expressed in section 196.1130:

(1) Award and enter into grants or contracts relating to increasing Missouri’s research capacity at public or private not-for-profit institutions;

(2) Make provision for peer review panels to recommend and review research projects;

(3) Contract for [administrative and] support services;

(4) Lease or acquire facilities and equipment;

(5) Employ administrative staff; and

(6) Receive, retain, hold, invest, disburse or administer any moneys that it receives from appropriations or from any other source.

3. The Missouri technology corporation, established under section 348.251, shall serve as the administrative agent for the life sciences research board.

4. The life sciences research board shall utilize as much of the moneys as reasonably possible for building capacity at public and private not-for-profit institutions to do research rather than for administrative

expenses. The board shall not in any fiscal year expend more than two percent of the total moneys appropriated to it and of the moneys that it has in reserve or has received from other sources for its own administrative expenses **for appropriations over twenty million dollars; three percent for appropriations less than twenty million dollars but more than fifteen million dollars; four percent for appropriations less than fifteen million dollars but more than ten million dollars; five percent for appropriations less than ten million dollars;** provided, however, that the general assembly by appropriation from the life sciences research trust fund may authorize a limited amount of additional moneys to be expended for administrative costs.”; and

Further amend said bill, Sections 253.545, 253.550, 253.557, 253.559, 348.250, 348.251, 348.256, Pages 52 - 66, by striking all of said sections from the bill and inserting in lieu thereof the following:

“253.545. As used in sections 253.545 to 253.559, the following terms mean, unless the context requires otherwise:

(1) “Certified historic structure”, a property located in Missouri and listed individually on the National Register of Historic Places;

(2) “Deed in lieu of foreclosure or voluntary conveyance”, a transfer of title from a borrower to the lender to satisfy the mortgage debt and avoid foreclosure;

(3) **“Department”, the department of economic development;**

(4) “Eligible property”, property located in Missouri and offered or used for residential or business purposes;

[(4)] (5) “Leasehold interest”, a lease in an eligible property for a term of not less than thirty years;

[(5)] (6) “Principal”, a managing partner, general partner, or president of a taxpayer;

[(6)] (7) “Structure in a certified historic district”, a structure located in Missouri which is certified by the department of natural resources as contributing to the historic significance of a certified historic district listed on the National Register of Historic Places, or a local district that has been certified by the United States Department of the Interior;

[(7)] (8) “Taxpayer”, any person, firm, partnership, trust, estate, limited liability company, or corporation;

(9) **“Total basis in the property”, the cost, or fair market value, of the property at the time of acquisition, or as otherwise defined in the Internal Revenue Code of 1986, as amended. Cost includes the cash paid, the fair market value of services rendered, and the fair market value of property traded in exchange for the property. Certain closing costs may also be added to the basis of property. Such closing costs include commissions paid by the purchaser, legal fees, recording fees, and state transfer taxes on real estate;**

(10) **“Total costs and expenses of rehabilitation”, all reasonable costs and expenses related to the rehabilitation of eligible property that is a certified historic structure or a structure in a certified historic district, including but not limited to qualified rehabilitation expenditures as defined in Section 47(c)(2)(A) of the Internal Revenue Code of 1986, as amended, and any related regulations promulgated under such section. Taxpayers may incur qualifying expenses included in the total costs and expenses of rehabilitation at their own risk up to one year before the date of submission of a preliminary application under section 253.559. Such reasonable costs and expenses shall include, but**

not be limited to, rehabilitation work in progress and accrued developer fees if an agreement or other contractual document provides for payment of such accrued developer fees within twelve years of project completion. If a taxpayer defaults on the payments of the developer fees, the applicant will be liable to the state for the portion of tax credits attributable to the amount of the unpaid developer fees over the twelve year period. In determining the total costs and expenses of rehabilitation the department shall accept such costs and expenses as certified by a licensed certified public accountant that is not an affiliate of the applicant, so long as such cost and expense certification is the same as being used to determine qualified rehabilitation expenditures as defined in Section 47(c)(2)(A) of the Internal Revenue Code of 1986, as amended, or, if not eligible for federal historic preservation tax credits, then same as would be used if the project were eligible and using such certification to determine qualified rehabilitation expenditures as defined in Section 47(c)(2)(A) of the Internal Revenue Code of 1986, as amended; provided that the cost and expense certification will be subject to an audit by the department after the issuance of the tax credits. If there is a final disallowance of more than 10%, the applicant will be subject to a civil penalty equal to 110% of the tax credits attributable to the amount of the cost and expenses in excess of the final disallowance.

253.550. 1. Any taxpayer incurring costs and expenses for the rehabilitation of eligible property, which is a certified historic structure or structure in a certified historic district[, may,] **shall**, subject to the provisions of this section and section 253.559, receive a credit against the taxes imposed pursuant to chapters 143 and 148, except for sections 143.191 to 143.265, on such taxpayer in an amount equal to twenty-five percent of the total costs and expenses of rehabilitation incurred [after January 1, 1998, which shall include, but not be limited to, qualified rehabilitation expenditures as defined under section 47(c)(2)(A) of the Internal Revenue Code of 1986, as amended, and the related regulations thereunder,] provided the rehabilitation costs associated with rehabilitation and the expenses exceed fifty percent of the total basis in the property and the rehabilitation meets standards consistent with the standards of the Secretary of the United States Department of the Interior for rehabilitation as determined by the state historic preservation officer of the Missouri department of natural resources.

2. During the period beginning on January 1, 2010, but ending on or after June 30, 2010, the department of economic development shall not approve applications for tax credits under the provisions of subsections 3 and 8 of section 253.559 which, in the aggregate, exceed seventy million dollars, increased by any amount of tax credits for which approval shall be rescinded under the provisions of section 253.559. For each fiscal year beginning on or after July 1, 2010, **but ending on or before June 30, 2011**, the department of economic development shall not approve applications for tax credits under the provisions of subsections 3 and 8 of section 253.559 which, in the aggregate, exceed one hundred forty million dollars, increased by any amount of tax credits for which approval shall be rescinded under the provisions of section 253.559. The limitations provided under this subsection shall not apply to applications approved under the provisions of [subsection 3 of] section 253.559 for projects to receive less than two hundred seventy-five thousand dollars in tax credits.

3. For all applications for tax credits approved on or after January 1, 2010, **but before June 30, 2011**, no more than two hundred fifty thousand dollars in tax credits may be issued for eligible costs and expenses incurred in the rehabilitation of an eligible property which is a nonincome producing single-family, owner-occupied residential property and is either a certified historic structure or a structure in a certified historic district.

4. The limitations on tax credit authorization provided under the provisions of subsections 2 and 3 of

this section shall not apply to:

(1) Any application submitted by a taxpayer, which has received approval from the department prior to January 1, 2010; or

(2) Any taxpayer applying for tax credits, provided under this section, which, on or before January 1, 2010, has filed an application with the department evidencing that such taxpayer:

(a) Has incurred costs and expenses for an eligible property which exceed the lesser of five percent of the total project costs or one million dollars and received an approved Part I from the Secretary of the United States Department of Interior; or

(b) Has received certification, by the state historic preservation officer, that the rehabilitation plan meets the standards consistent with the standards of the Secretary of the United States Department of the Interior, and the rehabilitation costs and expenses associated with such rehabilitation shall exceed fifty percent of the total basis in the property.

5. For each fiscal year beginning on or after July 1, 2011, the department shall not approve applications for tax credits under the provisions of subsections 3 and 8 of section 253.559 which, in the aggregate, exceed eighty-five million dollars, increased by any amount of tax credits for which approval shall be rescinded or carried forward under the provisions of section 253.559. The limitations provided under this subsection shall not apply to applications approved under the provisions of section 253.559 for projects to receive less than two hundred seventy-five thousand dollars in tax credits or for projects under subsection 7 (1) provided that no more than ten million dollars shall be authorized in any fiscal year for such projects.

6. For all applications for tax credits approved on or after July 1, 2011, no more than two hundred fifty thousand dollars in tax credits may be issued for the total costs and expenses of rehabilitation of an eligible property which is a nonincome producing single-family, owner-occupied residential property and is either a certified historic structure or a structure in a certified historic district. For purposes of this subsection, "eligible property" shall not include any property with a purchase price in excess of four hundred thousand dollars.

7. For each fiscal year beginning on or after July 1, 2011, in addition to applications for tax credits authorized by the department subject to the limitations on tax credit authorization provided under the provisions of subsections 5 and 6 of this section, the department shall also approve applications for tax credits under the provisions of subsections 3 and 8 of section 253.559 for the following projects which, in the aggregate, shall not exceed the difference between one hundred forty million dollars and the maximum amount of tax credits for which applications may be approved under subsection 5 of this section:

(1) Any preliminary application for tax credits for a project which is authorized to receive federal low-income housing tax credits;

(2) Any preliminary application for tax credits for a project which:

(a) On or before July 1, 2011, has received an approved Part I from the Secretary of the United States Department of the Interior or is a certified historic structure; and

(b) Has had costs and expenses incurred by a taxpayer for an eligible property on or before July 1, 2011, including but not limited to acquisition costs, exceeding the lesser of fifteen percent of the

total project costs or three million dollars, and for which such taxpayer's interest, including all rehabilitation work in progress, was acquired by any bank, financial institution, or political subdivision by deed or foreclosure or any subsequent transferee;

(3) Any preliminary application for tax credits for a project which, on or before July 1, 2011, has received certification, by the state historic preservation officer, that the rehabilitation plan meets the standards consistent with the standards of the Secretary of the United States Department of the Interior, and the rehabilitation costs and expenses associated with such rehabilitation would, upon completion, be expected to exceed fifty percent of the total basis in the property.

253.557. 1. If the amount of such credit exceeds the total tax liability for the year in which the rehabilitated property is placed in service, the amount that exceeds the state tax liability may be carried back to any of the three preceding years and carried forward for credit against the taxes imposed pursuant to chapter 143 and chapter 148, except for sections 143.191 to 143.265 for the succeeding ten years, or until the full credit is used, whichever occurs first. **Notwithstanding the foregoing, for all tax credits authorized under the provisions of sections 253.545 to 253.559 on or after July 1, 2011, if the total amount of such credit exceeds the total tax liability for the year in which the rehabilitated property is placed in service, the amount that exceeds the state tax liability may be carried back to the preceding year and carried forward for credit against the taxes imposed under chapters 143 and 148, except for sections 143.191 to 143.265 for the succeeding five years, or until the full credit is used, whichever occurs first.** Not-for-profit entities, including but not limited to corporations organized as not-for-profit corporations pursuant to chapter 355 shall be ineligible for the tax credits authorized under sections 253.545 [through 253.561] **to 253.559.** Taxpayers eligible for such tax credits may transfer, sell or assign the credits **to any other taxpayer, including but not limited to a not-for-profit entity.** Credits granted to a partnership, a limited liability company taxed as a partnership or multiple owners of property shall be passed through to the partners, members or owners, **including but not limited to any not-for-profit entity that is a partner, member, or owner,** respectively pro rata or pursuant to an executed agreement among [the] **such** partners, members or owners documenting an alternate distribution method.

2. The assignee of the tax credits, hereinafter the assignee for purposes of this subsection, may use acquired credits to offset up to one hundred percent of the tax liabilities otherwise imposed pursuant to chapter 143 and chapter 148, except for sections 143.191 to 143.265. The assignor shall perfect such transfer by notifying the department of economic development in writing within thirty calendar days following the effective date of the transfer and shall provide any information as may be required by the department of economic development to administer and carry out the provisions of this section.

253.559. 1. To obtain approval for tax credits allowed under sections 253.545 to 253.559, a taxpayer shall submit an application for tax credits to the department [of economic development]. Each application for approval, including any applications received for supplemental allocations of tax credits as provided under subsection 8 of this section, shall be prioritized for review and approval, in the order of the date on which the application was postmarked, with the oldest postmarked date receiving priority. Applications postmarked on the same day shall go through a lottery process to determine the order in which such applications shall be reviewed.

2. Each **preliminary** application shall be reviewed by the department [of economic development] for approval. In order to receive approval, [an] **a preliminary** application, other than applications submitted under the provisions of subsection 8 of this section, shall include:

(1) Proof of ownership or site control. Proof of ownership shall include evidence that the taxpayer is the fee simple owner of the eligible property, such as a warranty deed or a closing statement. Proof of site control may be evidenced by a leasehold interest or an option to acquire such an interest. If the taxpayer is in the process of acquiring fee simple ownership, proof of site control shall include an executed sales contract or an executed option to purchase the eligible property;

(2) Floor plans of the existing structure, architectural plans, and, where applicable, plans of the proposed alterations to the structure, as well as proposed additions;

(3) The estimated cost of rehabilitation, the anticipated total costs of the project, the actual basis of the property, as shown by proof of actual acquisition costs, the anticipated total labor costs, the estimated **or actual** project start date, and the estimated project completion date; **and**

(4) Proof that the property is an eligible property and a certified historic structure or a structure in a certified historic district[; and

(5) Any other information which the department of economic development may reasonably require to review the project for approval].

Only the property for which a property address is provided in the application shall be reviewed for approval. Once selected for review, a taxpayer shall not be permitted to request the review of another property for approval in the place of the property contained in such application. Any disapproved application shall be removed from the review process. If an application is removed from the review process, the department [of economic development] shall notify the taxpayer in writing of the decision to remove such application. Disapproved applications shall lose priority in the review process. A disapproved application, which is removed from the review process, may be resubmitted, but shall be deemed to be a new submission for purposes of the priority procedures described in this section.

3. If the department [of economic development] deems the application sufficient, the taxpayer shall be notified in writing of the approval for an amount of tax credits equal to the amount provided under section 253.550 less any amount of tax credits previously approved. Such approvals shall be granted to applications in the order of priority established under this section and shall require full compliance thereafter with all other requirements of law as a condition to any claim for such credits.

4. Following approval of an application, the identity of the taxpayer contained in such application shall not be modified except:

(1) The taxpayer may add partners, members, or shareholders as part of the ownership structure, so long as the principal remains the same, provided however, that subsequent to the commencement of renovation and the expenditure of at least ten percent of the proposed rehabilitation budget, removal of the principal for failure to perform duties and the appointment of a new principal thereafter shall not constitute a change of the principal; or

(2) Where the ownership of the project is changed due to a foreclosure, deed in lieu of a foreclosure or voluntary conveyance, or a transfer in bankruptcy. **Upon any such change in ownership, the applicant identified in such application shall notify the department of such change within ninety days of such change.**

5. In the event that the department [of economic development] grants approval for tax credits equal to the total amount available under [subsection] **subsections 2 to 7** of section 253.550, or sufficient that when

totaled with all other approvals, the amount available under [subsection] **subsections 2 to 7** of section 253.550 is exhausted, all taxpayers with applications then awaiting approval or thereafter submitted for approval shall be notified by the department [of economic development] that no additional approvals shall be granted during the fiscal year and shall be notified of the priority given to such taxpayer's application then awaiting approval. Such applications shall be kept on file by the department [of economic development] and shall be considered for approval for tax credits in the order established in this section in the event that additional credits become available due to the rescission of approvals or when a new fiscal year's allocation of credits becomes available for approval.

6. All taxpayers with applications receiving approval on or after the effective date of this act shall commence rehabilitation, **if rehabilitation has not previously begun**, within two years of the date of issuance of the letter from the department [of economic development] granting the approval for tax credits. "[Commencement of] **Commence** rehabilitation" shall mean that [as of the date in which] actual physical work, **as** contemplated by the architectural plans submitted with the application, has begun, **and that** the taxpayer has incurred no less than ten percent of the estimated costs of rehabilitation provided in the application. Taxpayers with approval of a project shall submit evidence of compliance with the provisions of this subsection. **Taxpayers may commence rehabilitation and incur qualifying expenses at their own risk before the property qualifies as a certified historic structure. Upon final review by the department under this section, including the necessary determination of the total costs and expenses of rehabilitation, the taxpayer shall receive tax credits for all qualifying expenses.** If the department [of economic development] determines that a taxpayer has failed to comply with the requirements provided under this section, the approval for the amount of tax credits for such taxpayer shall be rescinded and such amount of tax credits shall then be included in the total amount of tax credits, provided under [subsection] **subsections 2 to 7** of section 253.550, from which approvals may be granted. Any taxpayer whose approval shall be subject to rescission shall be notified of such from the department [of economic development] and, upon receipt of such notice, may submit a new application for the project.

7. To claim the credit authorized under sections 253.550 to 253.559, a taxpayer with approval shall apply for final [approval] **review** and issuance of tax credits from the department [of economic development] which, in consultation with the department of natural resources, shall determine (i) the final amount of [eligible rehabilitation costs and expenses] **the total costs and expenses of rehabilitation based solely on a certification of such total costs and expenses of rehabilitation prepared in a manner prescribed by the department and submitted with the final application submitted under this section** and (ii) whether the completed rehabilitation meets the standards of the Secretary of the United States Department of the Interior for rehabilitation as determined by the state historic preservation officer of the Missouri department of natural resources. For financial institutions credits authorized pursuant to sections 253.550 to 253.561 shall be deemed to be economic development credits for purposes of section 148.064. The [approval] **review** of all applications and the issuing of certificates of eligible credits to taxpayers shall be performed by the department [of economic development]. The department [of economic development] shall inform a taxpayer of final [approval] **determination** by letter and shall issue, to the taxpayer, tax credit certificates. The taxpayer shall attach the certificate to all Missouri income tax returns on which the credit is claimed.

8. Except as expressly provided in this subsection, tax credit certificates shall be issued in the final year that **total** costs and expenses of rehabilitation [of] **for** the project are incurred, or within the twelve-month period immediately following the conclusion of such rehabilitation. In the event the [amount of eligible

rehabilitation] **total** costs and expenses **of rehabilitation** incurred by a taxpayer would result in the issuance of an amount of tax credits in excess of the amount provided under such taxpayer's approval granted under subsection 3 of this section, such taxpayer may apply to the department for issuance of tax credits in an amount equal to such excess. Applications for issuance of tax credits in excess of the amount provided under a taxpayer's application shall be made on a form prescribed by the department. Such applications shall be **automatically approved**, subject **only to availability of tax credits and** all provisions regarding priority provided under subsection 1 of this section.

9. The department [of economic development] shall determine, on an annual basis, the overall economic impact to the state from the rehabilitation of eligible property.

10. (1) Taxpayers or duly authorized representatives may appeal any official decision, including all preliminary or final approvals and denials of approvals, made by the department or the department of natural resources with regard to an application submitted under sections 253.550 to 253.559 to an independent third-party appeals officer designated by the department. Such appeals under this section shall constitute an administrative review of the decision appealed from and shall not be conducted as an adjudicative proceeding.

(2) Appeals shall be submitted to the designated appeals officer in writing within thirty days of receipt by the taxpayer or the taxpayer's duly authorized representative of the decision that is the subject of the appeal, and shall include all information the appellant wishes the appeals officer to consider in deciding the appeal.

(3) Upon receipt of an appeal, the appeals officer shall notify the department or the department of natural resources that an appeal is pending, identify the decision being appealed, and forward a copy of the information submitted by the appellant. The department or the department of natural resources may submit a written response to the appeal.

(4) The appellant shall be entitled to one meeting with the appeals officer to discuss the appeal, but the appeals officer may schedule additional meetings at the officer's discretion. The department or the department of natural resources may appear at all meetings.

(5) The appeals officer shall consider the record of the decision in question, any further written submissions by the appellant and the department or the department of natural resources, and other available information, and shall deliver a written decision to all parties as promptly as circumstances permit.

11. Notwithstanding any provision of law to the contrary, no tax credits provided under sections 253.545 to 253.559 shall be authorized on or after August 28, 2021. The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to issue tax credits authorized prior to such date, or a taxpayer's ability to redeem such tax credits.

348.250. Sections 348.250 to 348.275 shall be known and may be cited as the "Missouri Science and Innovation Reinvestment Act".

348.251. 1. As used in sections 348.251 to 348.266, the following terms mean:

(1) "Applicable percentage", six percent for the fiscal year beginning July 1, 2012, and the next fourteen consecutive fiscal years; five percent for the immediately subsequent five fiscal years; and four percent for the immediately subsequent five fiscal years;

(2) “Applied research”, any activity that seeks to utilize, synthesize, or apply existing knowledge, information, or resources to the resolution of a specific problem, question, or issue of science and innovation, including but not limited to translational research;

(3) “Base year”, fiscal year ending June 30, 2010;

(4) “Base year gross wages”, gross wages paid by science and innovation companies to science and innovation employees during fiscal year ending June 30, 2010;

(5) “Basic research”, any original investigation for the advancement of scientific or technical knowledge of science and innovation;

(6) “Commercialization”, any of the full spectrum of activities required for a new technology, product, or process to be developed from the basic research or conceptual stage through applied research or development to the marketplace, including without limitation, the steps leading up to and including licensing, sales, and service;

(7) “Corporation”, the Missouri technology corporation established under this section;

(8) “Fields of applicable expertise”, any of the following fields: science and innovation research, development, or commercialization, including basic research and applied research; corporate finance, venture capital, and private equity related to science and innovation; the business and management of science and innovation companies; education related to science and innovation; or civic or corporate leadership in areas related to science and innovation;

(9) “Inherent conflict of interest”, a fundamental or systematic conflict of interest that prevents a person from serving as a disinterested director of the corporation and from routinely performing his or her duties as a director of the corporation;

(10) “NAICS industry groups” or “NAICS codes”, the North American Industry Classification System developed under the auspices of the United States Office of Management and Budget and adopted in 1997, as may be amended, revised, or replaced by similar classification systems for similar uses from time to time;

(11) “Science and innovation”, the use of compositions and methods in research, development, and manufacturing processes for such diverse areas as agriculture-biotechnology, animal health, biochemistry, bioinformatics, energy, environment, forestry, homeland security, information technology, medical devices, medical diagnostics, medical instruments, medical therapeutics, microbiology, nanotechnology, pharmaceuticals, plant biology, and veterinary medicine, including future developments in such areas;

(12) “Science and innovation company”, a corporation, limited liability company, S corporation, partnership, registered limited liability partnership, foundation, association, nonprofit entity, sole proprietorship, business trust, person, group, or other entity that is:

(a) Engaged in the research, development, commercialization, or business of science and innovation in the state, including, without limitation, research, development, or production directed toward developing or providing science and innovation products, processes, or services for specific commercial or public purposes, including hospitals, nonprofit research institutions, incubators, accelerators, and universities currently located or involved in the research, development, commercialization, or business of science and innovation in the state; or

(b) Identified by the following NAICS industry groups or NAICS codes or any amended or successor code sections covering such areas of research, development, and commercial endeavors: 3251; 3253; 3254; 3391; 51121; 54138; 54171; 62231; 111191; 111421; 111920; 111998; 311119; 311211; 311221; 311222; 311223; 325193; 325199; 325221; 325222; 325611; 325612; 325613; 325311; 325312; 325314; 325320; 325411; 325412; 325414; 333298; 334510; 334516; 334517; 339111; 339112; 339113; 339114; 339115; 339116; 424910; 541710; 621511; and 621512.

Each of the above listed four-digit and five-digit codes shall include all six-digit codes in such four-digit and five-digit industry; however, each six-digit code shall stand alone and not indicate the inclusion of other omitted six-digit codes that also are subsets of the pertinent four-digit or five-digit industry to which the included six-digit code belongs;

(13) “Science and innovation employee”, any employee, officer, or director of a science and innovation company who is a state income taxpayer and any employee of a university who is associated with or supports the research, development, commercialization, or business of science and technology in the state and is obligated to pay state income tax to the state;

(14) “Technology application”, the introduction and adaptation of refined management practices in fields such as scheduling, inventory management, marketing, product development, and training in order to improve the quality, productivity and profitability of an existing firm. Technology application shall be considered a component of business modernization;

[(2) “Technology commercialization”, the process of moving investment-grade technology from a business, university or laboratory into the marketplace for application;

(3)] (15) “Technology development”, strategically focused research directed at developing investment-grade technologies which are important for market competitiveness.

2. The governor may, on behalf of the state and in accordance with chapter 355, RSMo, establish a private not-for-profit corporation named the “Missouri Technology Corporation”, to carry out the provisions of sections 348.251 to 348.266. As used in sections [348.251 to 348.266] **348.250 to 348.275** the word “corporation” means the Missouri technology corporation authorized by this section. Before certification by the governor, the corporation shall conduct a public hearing for the purpose of giving all interested parties an opportunity to review and comment [upon] **on** the articles of incorporation, bylaws and [method] **methods** of operation of the corporation. Notice of the hearing shall be given at least fourteen days prior to the hearing.

348.256. **1.** The articles of incorporation [and], bylaws, **and methods of operation** of the Missouri technology corporation shall [provide that:] **be consistent with the provisions of sections 348.250 to 348.275.**

[(1)] **2.** The purposes of the corporation are to contribute to the strengthening of the economy of the state through the development of science and [technology] **innovation**, to promote the modernization of Missouri businesses by supporting the transfer of science, technology and quality improvement methods to the workplace[, and]; to enhance the productivity and modernization of Missouri businesses by providing leadership in the establishment of methods of technology application, technology commercialization and technology development; **to make Missouri businesses, institutions, and universities more competitive and increase their likelihood of success; to support and enhance local and regional strategies and initiatives that capitalize on the unique science and innovation assets across the state; to make**

Missouri a highly desirable state in which to conduct, facilitate, support, fund, and perform science and innovation research, development, and commercialization; to facilitate and effect the creation, attraction, retention, growth, and enhancement of both existing and new science and innovation companies in the state; to make Missouri a national and international leader in economic activity based on science and innovation; to enhance workforce development; to create and retain quality jobs; to advance scientific knowledge; and to improve the quality of life for the citizens of the state of Missouri in both urban and rural communities.

[(2)] **3.** The board of directors of the corporation [is] **shall be** composed of fifteen persons. The governor shall annually appoint one of its members, who must be from the private sector, as [chairman] **chairperson**. The board shall consist of the following members:

[(a)] **(1)** The director of the department of economic development, or the director's designee;

[(b)] **(2)** The president of the University of Missouri system, or the president's designee;

[(c)] **(3)** A member of the state senate, appointed by the president pro tem of the senate;

[(d)] **(4)** A member of the house of representatives, appointed by the speaker of the house;

[(e)] **(5)** Eleven members appointed by the governor, [two of which shall be from the public sector and nine members from the private sector who shall include, but shall not be limited to, individuals who represent technology-based businesses and industrial interests;

[(f)] **with the advice and consent of the senate, who are recognized for outstanding knowledge, leadership, and expertise in one or more of the fields of applicable expertise.**

Each of the directors of the corporation who is appointed by the governor shall serve for a term of four years and until a successor is duly appointed[; except that, of the directors serving on the corporation as of August 28, 1995, three directors shall be designated by the governor to serve a term of four years, three directors shall be designated to serve a term of three years, three directors shall be designated to serve a term of two years, and two directors shall be designated to serve a term of one year. Each director shall continue to serve until a successor is duly appointed by the governor;

(3) The corporation may receive money from any source, may borrow money, may enter into contracts, and may expend money for any activities appropriate to its purpose;

(4) The corporation may appoint staff and do all other things necessary or incidental to carrying out the functions listed in section 348.261;

(5)].

4. Any changes in the articles of incorporation or bylaws must be approved by the governor[;].

[(6) The corporation shall submit an annual report to the governor and to the Missouri general assembly. The report shall be due on the first day of November for each year and shall include detailed information on the structure, operation and financial status of the corporation. The corporation shall conduct an annual public hearing to receive comments from interested parties regarding the report, and notice of the hearing shall be given at least fourteen days prior to the hearing; and

[(7)] **5. At the discretion of the state auditor,** the corporation is subject to an [annual] audit [by the state auditor] and [that] the corporation shall bear the full cost of the audit.

6. Each of the directors of the corporation provided for in subdivisions (1) and (2) of subsection 3 of this section shall remain a director until the designating individual specified in such subdivisions designates a replacement by sending a written communication to the governor and the chairperson of the board of the corporation; provided however, that if the director of economic development or the president of the University of Missouri system designates himself or herself to the corporation board, such person's service as a corporation director shall cease immediately when that person no longer serves as the director of economic development or as the president of the University of Missouri system. Each of the directors of the corporation provided for in subdivisions (3) and (4) of subsection 3 of this section shall remain a director until the appointing member of the general assembly specified in such subdivisions appoints a replacement by sending a written communication to the governor and the chairperson of the corporation board; provided however, that if the speaker of the house or the president pro tem of the senate appoints himself or herself to the corporation board, such person's service as a corporation director shall cease immediately when that person no longer serves as the speaker of the house or the president pro tem of the senate.

7. Each of the eleven members of the board appointed by the governor shall:

(1) Hold office for the term of appointment and until the governor duly appoints his or her successor; provided that if a vacancy is created by the death, permanent disability, resignation, or removal of a director, such vacancy shall become immediately effective;

(2) Be eligible for reappointment, but members of the board shall not be eligible to serve more than two consecutive four-year terms and shall not be reappointed to the board until they have not served on the board for a period of at least four interim years;

(3) Not have a known inherent conflict of interest at the time of appointment; and

(4) Not have served in an elected office or a cabinet position in state government for a period of two years prior to appointment, unless otherwise provided in this section.

8. Any member of the board may be removed by affirmative vote of eleven members of the board for malfeasance or misfeasance in office, regularly failing to attend meetings, failure to comply with the corporation's conflicts of interest policy, conviction of a felony, or for any cause that renders the member incapable of or unfit to discharge the duties of a director of the corporation.

9. The board shall meet at least four times per year and at such other times as it deems appropriate, or upon call by the president or the chairperson, or upon written request of a majority of the directors of the board. Unless otherwise restricted by Missouri law, the directors may participate in a meeting of the board by means of telephone conference or other electronic communications equipment whereby all persons participating in the meeting can communicate clearly with each other, and participation in a meeting in such manner will constitute presence in person at such meeting.

10. A majority of the total voting membership of the board shall constitute a quorum for meetings. The board may act by a majority of those at any meeting where a quorum is present, except upon such issues as the board may determine shall require a vote of more members of the board for approval or as required by law. All resolutions and orders of the board shall be recorded and authenticated by the signature of the secretary or any assistant secretary of the board.

11. Members of the board shall serve without compensation. Members of the board attending

meetings of the board, or attending committee or advisory meetings thereof, shall be paid mileage and all other applicable expenses, provided that such expenses are reasonable, consistent with policies established from time to time by the board, and not otherwise inconsistent with law.

12. The board may adopt, repeal, and amend such articles of incorporation, bylaws, and methods of operation that are not contrary to law or inconsistent with sections 348.250 to 348.275, as it deems expedient for its own governance and for the governance and management of the corporation and its committees and advisory boards; provided that any changes in the articles of incorporation or bylaws approved by the board must also be approved by the governor.

13. A president shall direct and supervise the administrative affairs and the general management of the corporation. The president shall be a person of national prominence that has expertise and credibility in one or more of the fields of applicable expertise with a demonstrated track record of success in leading a mission-driven organization. The president's salary and other terms and conditions of employment shall be set by the board. The board may negotiate and enter into an employment agreement with the president of the corporation, which may provide for compensation, allowances, benefits, and expenses. The president of the corporation shall not be eligible to serve as a member of the board until two years after the end of his or her employment with the corporation. The president of the corporation shall be bound by, and agree to obey, the corporation's conflicts of interest policy, including annually completing and submitting to the board a disclosure and compliance certificate in accordance with such conflicts of interest policy.

14. The corporation may employ such employees as it may require and upon such terms and conditions as it may establish that are consistent with state and federal law. The corporation may establish personnel, payroll, benefit, and other such systems as authorized by the board, and provide death and disability benefits. Corporation employees, including the president, shall be considered state employees for the purposes of membership in the Missouri state employees' retirement system and the Missouri consolidated health care plan. Compensation paid by the corporation shall constitute pay from a department for purposes of accruing benefits under the Missouri state employees' retirement system. The corporation may also adopt, in accordance with requirements of the federal Internal Revenue Code of 1986, as amended, a defined contribution plan sponsored by the corporation with respect to employees, including the president, employed by the corporation. Nothing in sections 348.250 to 348.275 shall be construed as placing any officer or employee of the corporation or member of the board in the classified or the unclassified service of the state of Missouri under Missouri laws and regulations governing civil service. No employee of the corporation shall be eligible to serve as a member of the board until two years immediately following the end of his or her employment with the corporation. All employees of the corporation shall be bound by, and agree to obey, the corporation's conflicts of interest policy, including annually completing and submitting to the board a disclosure and compliance certificate in accordance with such conflicts of interest policy.

15. No later than the first day of January each year, the corporation shall submit an annual report to the governor and to the Missouri general assembly which the corporation may contract with a third party to prepare and which shall include:

- (1) A complete and detailed description of the operating and financial conditions of the corporation during the prior fiscal year;
- (2) Complete and detailed information about the distributions from the Missouri science and

innovation reinvestment fund and from any income of the corporation;

(3) Information about the growth of science and innovation research and industry in the state;

(4) Information regarding financial or performance audits performed in such year, including any recommendations with reference to additional legislation or other action that may be necessary to carry out the purposes of the corporation; and

(5) Whether or not the corporation made any distribution during the prior fiscal year to a research project or other project for which a report shall be filed under subsection 4 of section 38(d) of article III of the Constitution of the State of Missouri. If such a distribution was made, the corporation shall disclose in the annual report the amount of the distribution, the recipient of the distribution, and the project description.

16. The corporation shall keep its books and records in accordance with generally accepted accounting procedures. Within four months following the end of each fiscal year, the corporation shall cause a firm of independent certified public accountants of national repute to conduct and deliver to the board an audit of the financial statements of the corporation and an opinion thereon, to be conducted in accordance with generally accepted audit standards, provided, however, that this section shall be inapplicable if the board of directors of the corporation determines that insufficient funds have been appropriated to pay for the costs of compliance with these requirements.

17. Within four months following the end of every odd numbered fiscal year, beginning with fiscal year 2016, the corporation shall cause an independent firm of national repute that has expertise in science and innovation research and industry to conduct and deliver to the board an evaluation of the performance of the corporation for the prior two fiscal years, including detailed recommendations for improving the performance of the corporation, provided, however, that this section shall be inapplicable if the board of directors of the corporation determines that insufficient funds have been appropriated to pay for the costs of compliance with these requirements.

18. The corporation shall provide the state auditor a copy of the financial and performance evaluations prepared under subsections 16 and 17 of this section.

19. The corporation shall have perpetual existence until an act of law expressly dissolves the corporation; provided that no such law shall take effect so long as the corporation has obligations or bonds outstanding unless adequate provision has been made for the payment or retirement of such debts or obligations. Upon any such dissolution of the corporation, all property, funds, and assets thereof shall be vested in the state.

20. Except as provided under section 348.266, the state hereby pledges to, and agrees with, recipients of corporation funding or beneficiaries of corporation programs under sections 348.250 to 348.275 that the state shall not limit or alter the rights vested in the corporation under sections 348.250 to 348.275 to fulfill the terms of any agreements made or obligations incurred by the corporation with or to such third parties, or in any way impair the rights and remedies of such third parties until the obligations of the corporation and the state are fully met and discharged in accordance with sections 348.250 to 348.275.

21. The corporation shall be exempt from:

(1) Any general ad valorem taxes upon any property of the corporation acquired and used for its

public purposes;

(2) Any taxes or assessments upon any projects or upon any operations of the corporation or the income therefrom;

(3) Any taxes or assessments upon any project or any property or local obligation acquired or used by the corporation under the provisions of sections 348.250 to 348.275, or upon income therefrom.

Purchases by the corporation to be used for its public purposes shall not be subject to sales or use tax under chapter 144. The exemptions hereby granted shall not extend to persons or entities conducting business on the corporations' property for which payment of state and local taxes would otherwise be required.

22. No funds of the corporation shall be distributed to its employees or members of the board; except that, the corporation may make reasonable payments for expenses incurred on its behalf relating to any of its lawful purposes and the corporation shall be authorized and empowered to pay reasonable compensation for services rendered to, or for, its benefit relating to any of its lawful purposes, including to pay its employees reasonable compensation.

23. The corporation shall adopt and maintain a conflicts of interest policy to protect the corporation's interests by requiring disclosure by an interested party, appropriate recusal by such person, and appropriate action by the interested party or the board where a conflict of interest may exist or arise between the corporation and a director, officer, employee, or agent of the corporation.”;
and

Further amend said bill, 348.265 and 348.269, Pages 72 - 73, by striking all of said Sections from the bill and inserting in lieu thereof the following:

“348.265. 1. As soon as practicable after August 28, 2011, the director of the department of economic development, with the assistance of the director of the department of revenue, shall establish the base year gross wages and report the amount of the base year gross wages to the president and board of the corporation, the governor, and the general assembly. Within one hundred eighty days after the end of each fiscal year beginning with the fiscal year ending June 30, 2011, and for each subsequent fiscal year prior to the end of the last funding year, the director of economic development, with the assistance of the director of the department of revenue, shall determine and report to the president and board of the corporation, governor, and general assembly the amount by which aggregate science and innovation employees' gross wages for the fiscal year exceeds the base year gross wages. The director of economic development and the director of the department of revenue may consider any verifiable evidence, including but not limited to the NAICS codes assigned or recorded by the United States Department of Labor for companies with employees in the state, when determining which organizations should be classified as science and innovation companies.

2. Notwithstanding section 23.250 to the contrary, for each of the twenty-five funding years, beginning July 1, 2012, subject to appropriation, the director of revenue shall transfer to the Missouri science and innovation reinvestment fund an amount not to exceed an amount equal to the product of the applicable percentage multiplied by an amount equal to the increase in aggregate science and innovation employees' gross wages for the prior fiscal year, over the base year gross wages. The director of revenue may make estimated payments to the Missouri science and innovation reinvestment fund more frequently based on estimates provided by the director of revenue and

reconciled annually.

3. Local political subdivisions may contribute to the Missouri science and innovation reinvestment fund through a grant, contract, or loan by dedicating a portion of any sales tax or property tax increase resulting from increases in science and innovation company economic activity occurring after August 28, 2011, or other such taxes or fees as such local political subdivisions may establish.

4. Funding generated by the provisions of this section shall be expended by the corporation to further its purposes as specified in section 348.256.

5. Upon enactment of this section, the corporation shall prepare a strategic plan for the use of the funding to be generated by the provisions of this section, and may consult with science and innovation partners, including, but not limited to the research alliance of Missouri, as established in section 348.257; the life sciences research board established in section 196.1103; and the innovation centers or centers for advanced technology, as established in section 348.272. The corporation shall make a draft strategic plan available for public comment prior to publication of the final strategic plan.

348.269. 1. Nothing contained in sections 348.250 to 348.275 shall be construed as a restriction or limitation upon any powers that the corporation might otherwise have under chapter 355, and the provisions of sections 348.250 to 348.275 are cumulative to such powers.

2. Nothing in sections 348.250 to 348.275 shall be construed as allowing the board to sell the corporation or substantially all of the assets of the corporation, or to merge the corporation with another institution, without prior authorization by the general assembly.

3. Notwithstanding the provisions of section 23.253 to the contrary, the provisions of sections 348.250 to 348.275 shall not sunset.

4. The provisions of sections 348.250 to 348.275 shall not terminate before the satisfaction of all outstanding obligations, notes, and bonds provided for under sections 348.250 to 348.275.

5. If any provision of this Act or the application thereof is held invalid, the invalidity shall not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable. Insofar as the provisions of sections 348.250 to 348.275 are inconsistent with the provisions of any other law, general, specific or local, the provisions of sections 348.250 to 348.275 shall be controlling.”; and

Further amend said bill, Sections 447.708, 620.1878, 620.1881, 620.1900, and 620.2300, Pages 75-98, by striking all of said Sections and inserting in lieu thereof the following:

“447.708. 1. For eligible projects, the director of the department of economic development, with notice to the directors of the departments of natural resources and revenue, and subject to the other provisions of sections 447.700 to 447.718, may not create a new enterprise zone but may decide that a prospective operator of a facility being remedied and renovated pursuant to sections 447.700 to 447.718 may receive the tax credits and exemptions pursuant to sections 135.100 to 135.150 and sections 135.200 to 135.257. The tax credits allowed pursuant to this subsection shall be used to offset the tax imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or the tax otherwise imposed by chapter 147, or the tax otherwise imposed by chapter 148. For purposes of this subsection:

(1) For receipt of the ad valorem tax abatement pursuant to section 135.215, the eligible project must create at least ten new jobs or retain businesses which supply at least twenty-five existing jobs. The city,

or county if the eligible project is not located in a city, must provide ad valorem tax abatement of at least fifty percent for a period not less than ten years and not more than twenty-five years;

(2) For receipt of the income tax exemption pursuant to section 135.220 and tax credit for new or expanded business facilities pursuant to sections 135.100 to 135.150, and 135.225, the eligible project must create at least ten new jobs or retain businesses which supply at least twenty-five existing jobs, or combination thereof. For purposes of sections 447.700 to 447.718, the tax credits described in section 135.225 are modified as follows: the tax credit shall be four hundred dollars per employee per year, an additional four hundred dollars per year for each employee exceeding the minimum employment thresholds of ten and twenty-five jobs for new and existing businesses, respectively, an additional four hundred dollars per year for each person who is a person difficult to employ as defined by section 135.240, and investment tax credits at the same amounts and levels as provided in subdivision (4) of subsection 1 of section 135.225;

(3) For eligibility to receive the income tax refund pursuant to section 135.245, the eligible project must create at least ten new jobs or retain businesses which supply at least twenty-five existing jobs, or combination thereof, and otherwise comply with the provisions of section 135.245 for application and use of the refund and the eligibility requirements of this section;

(4) The eligible project operates in compliance with applicable environmental laws and regulations, including permitting and registration requirements, of this state as well as the federal and local requirements;

(5) The eligible project operator shall file such reports as may be required by the director of economic development or the director's designee;

(6) The taxpayer may claim the state tax credits authorized by this subsection and the state income exemption for a period not in excess of ten consecutive tax years. For the purpose of this section, "taxpayer" means an individual proprietorship, partnership or corporation described in section 143.441 or 143.471 who operates an eligible project. The director shall determine the number of years the taxpayer may claim the state tax credits and the state income exemption based on the projected net state economic benefits attributed to the eligible project;

(7) For the purpose of meeting the new job requirement prescribed in subdivisions (1), (2) and (3) of this subsection, it shall be required that at least ten new jobs be created and maintained during the taxpayer's tax period for which the credits are earned, in the case of an eligible project that does not replace a similar facility in Missouri. "New job" means a person who was not previously employed by the taxpayer or related taxpayer within the twelve-month period immediately preceding the time the person was employed by that taxpayer to work at, or in connection with, the eligible project on a full-time basis. "Full-time basis" means the employee works an average of at least thirty-five hours per week during the taxpayer's tax period for which the tax credits are earned. For the purposes of this section, related taxpayer has the same meaning as defined in subdivision (9) of section 135.100;

(8) For the purpose of meeting the existing job retention requirement, if the eligible project replaces a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, it shall be required that at least twenty-five existing jobs be retained at, and in connection with the eligible project, on a full-time basis during the taxpayer's tax period for which the credits are earned. "Retained job" means a person who was previously employed by the taxpayer or related taxpayer, at a facility similar to the eligible project that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, within the tax period immediately preceding the

time the person was employed by the taxpayer to work at, or in connection with, the eligible project on a full-time basis. "Full-time basis" means the employee works an average of at least thirty-five hours per week during the taxpayer's tax period for which the tax credits are earned;

(9) In the case where an eligible project replaces a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, the owner and operator of the eligible project shall provide the director with a written statement explaining the reason for discontinuing operations at the closed facility. The statement shall include a comparison of the activities performed at the closed facility prior to the date the facility ceased operating, to the activities performed at the eligible project, and a detailed account describing the need and rationale for relocating to the eligible project. If the director finds the relocation to the eligible project significantly impaired the economic stability of the area in which the closed facility was located, and that such move was detrimental to the overall economic development efforts of the state, the director may deny the taxpayer's request to claim tax benefits;

(10) Notwithstanding any provision of law to the contrary, for the purpose of this section, the number of new jobs created and maintained, the number of existing jobs retained, and the value of new qualified investment used at the eligible project during any tax year shall be determined by dividing by twelve, in the case of jobs, the sum of the number of individuals employed at the eligible project, or in the case of new qualified investment, the value of new qualified investment used at the eligible project, on the last business day of each full calendar month of the tax year. If the eligible project is in operation for less than the entire tax year, the number of new jobs created and maintained, the number of existing jobs retained, and the value of new qualified investment created at the eligible project during any tax year shall be determined by dividing the sum of the number of individuals employed at the eligible project, or in the case of new qualified investment, the value of new qualified investment used at the eligible project, on the last business day of each full calendar month during the portion of the tax year during which the eligible project was in operation, by the number of full calendar months during such period;

(11) For the purpose of this section, "new qualified investment" means new business facility investment as defined and as determined in subdivision (7) of section 135.100 which is used at and in connection with the eligible project. "New qualified investment" shall not include small tools, supplies and inventory. "Small tools" means tools that are portable and can be hand held.

2. The determination of the director of economic development pursuant to subsection 1 of this section shall not affect requirements for the prospective purchaser to obtain the approval of the granting of real property tax abatement by the municipal or county government where the eligible project is located.

3. (1) The director of the department of economic development, with the approval of the director of the department of natural resources, may, in addition to the tax credits allowed in subsection 1 of this section, grant a remediation tax credit to the applicant for up to one hundred percent of the costs of materials, supplies, equipment, labor, professional engineering, consulting and architectural fees, permitting fees and expenses, demolition, asbestos abatement, **backfill of areas where contaminated soil excavation occurs**, and direct utility charges for performing the voluntary remediation activities for the preexisting hazardous substance contamination and releases, including, but not limited to, the costs of performing operation and maintenance of the remediation equipment at the property beyond the year in which the systems and equipment are built and installed at the eligible project and the costs of performing the voluntary remediation activities over a period not in excess of four tax years following the taxpayer's tax year in which the system and equipment were first put into use at the eligible project, provided the remediation activities are the subject of a plan submitted to, and approved by, the director of natural resources pursuant

to sections 260.565 to 260.575. The tax credit may also include up to one hundred percent of the costs of demolition that are not directly part of the remediation activities, provided that the demolition is on the property where the voluntary remediation activities are occurring, the demolition is necessary to accomplish the planned use of the facility where the remediation activities are occurring, and the demolition is part of a redevelopment plan approved by the municipal or county government and the department of economic development. The demolition may occur on an adjacent property if the project is located in a municipality which has a population less than twenty thousand and the above conditions are otherwise met. The adjacent property shall independently qualify as abandoned or underutilized. The amount of the credit available for demolition not associated with remediation cannot exceed the total amount of credits approved for remediation including demolition required for remediation.

(2) The amount of remediation tax credits issued shall be limited to the least amount necessary to cause the project to occur, as determined by the director of the department of economic development.

(3) The director may, with the approval of the director of natural resources, extend the tax credits allowed for performing voluntary remediation maintenance activities, in increments of three-year periods, not to exceed five consecutive three-year periods. The tax credits allowed in this subsection shall be used to offset the tax imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or the tax otherwise imposed by chapter 147, or the tax otherwise imposed by chapter 148. The remediation tax credit may be taken in the same tax year in which the tax credits are received or may be taken over a period not to exceed twenty years.

(4) The project facility shall be projected to create at least ten new jobs or at least twenty-five retained jobs, or a combination thereof, as determined by the department of economic development, to be eligible for tax credits pursuant to this section.

(5) No more than seventy-five percent of earned remediation tax credits may be issued when the remediation costs were paid, and the remaining percentage may be issued when the department of natural resources issues a letter of completion letter or covenant not to sue following completion of the voluntary remediation activities. It shall not include any costs associated with ongoing operational environmental compliance of the facility or remediation costs arising out of spills, leaks, or other releases arising out of the ongoing business operations of the facility. In the event the department of natural resources issues a letter of completion for a portion of a property, an impacted media such as soil or groundwater, or for a site or a portion of a site improvement, a prorated amount of the remaining percentage may be released based on the percentage of the total site receiving a letter of completion.

4. In the exercise of the sound discretion of the director of the department of economic development or the director's designee, the tax credits and exemptions described in this section may be terminated, suspended or revoked, if the eligible project fails to continue to meet the conditions set forth in this section. In making such a determination, the director shall consider the severity of the condition violation, actions taken to correct the violation, the frequency of any condition violations and whether the actions exhibit a pattern of conduct by the eligible facility owner and operator. The director shall also consider changes in general economic conditions and the recommendation of the director of the department of natural resources, or his or her designee, concerning the severity, scope, nature, frequency and extent of any violations of the environmental compliance conditions. The taxpayer or person claiming the tax credits or exemptions may appeal the decision regarding termination, suspension or revocation of any tax credit or exemption in accordance with the procedures outlined in subsections 4 to [6] **5** of section 135.250. The director of the

department of economic development shall notify the directors of the departments of natural resources and revenue of the termination, suspension or revocation of any tax credits as determined in this section or pursuant to the provisions of section 447.716.

5. Notwithstanding any provision of law to the contrary, no taxpayer shall earn the tax credits, exemptions or refund otherwise allowed in subdivisions (2), (3) and (4) of subsection 1 of this section and the tax credits otherwise allowed in section 135.110, or the tax credits, exemptions and refund otherwise allowed in sections 135.215, 135.220, 135.225 and 135.245, respectively, for the same facility for the same tax period.

6. The total amount of the tax credits allowed in subsection 1 of this section may not exceed the greater of:

(1) That portion of the taxpayer's income attributed to the eligible project; or

(2) One hundred percent of the total business' income tax if the eligible facility does not replace a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, and further provided the taxpayer does not operate any other facilities besides the eligible project in Missouri; fifty percent of the total business' income tax if the eligible facility replaces a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the credits are earned, and further provided the taxpayer does not operate any other facilities besides the eligible project in Missouri; or twenty-five percent of the total business income if the taxpayer operates, in addition to the eligible facility, any other facilities in Missouri. In no case shall a taxpayer operating more than one eligible project in Missouri be allowed to offset more than twenty-five percent of the taxpayer's business income in any tax period. That portion of the taxpayer's income attributed to the eligible project as referenced in subdivision (1) of this subsection, for which the credits allowed in sections 135.110 and 135.225 and subsection 3 of this section, may apply, shall be determined in the same manner as prescribed in subdivision (6) of section 135.100. That portion of the taxpayer's franchise tax attributed to the eligible project for which the remediation tax credit may offset, shall be determined in the same manner as prescribed in paragraph (a) of subdivision (6) of section 135.100.

7. Taxpayers claiming the state tax benefits allowed in subdivisions (2) and (3) of subsection 1 of this section shall be required to file all applicable tax credit applications, forms and schedules prescribed by the director during the taxpayer's tax period immediately after the tax period in which the eligible project was first put into use. Otherwise, the taxpayer's right to claim such state tax benefits shall be forfeited. Unused business facility and enterprise zone tax credits shall not be carried forward but shall be initially claimed for the tax period during which the eligible project was first capable of being used, and during any applicable subsequent tax periods.

8. Taxpayers claiming the remediation tax credit allowed in subsection 3 of this section shall be required to file all applicable tax credit applications, forms and schedules prescribed by the director during the taxpayer's tax period immediately after the tax period in which the eligible project was first put into use, or during the taxpayer's tax period immediately after the tax period in which the voluntary remediation activities were performed.

9. The recipient of remediation tax credits, for the purpose of this subsection referred to as assignor, may assign, sell or transfer, in whole or in part, the remediation tax credit allowed in subsection 3 of this section to any other person, for the purpose of this subsection referred to as assignee. To perfect the transfer, the assignor shall provide written notice to the director of the assignor's intent to transfer the tax credits to the

assignee, the date the transfer is effective, the assignee's name, address and the assignee's tax period and the amount of tax credits to be transferred. The number of tax periods during which the assignee may subsequently claim the tax credits shall not exceed twenty tax periods, less the number of tax periods the assignor previously claimed the credits before the transfer occurred.

10. In the case where an operator and assignor of an eligible project has been certified to claim state tax benefits allowed in subdivisions (2) and (3) of subsection 1 of this section, and sells or otherwise transfers title of the eligible project to another taxpayer or assignee who continues the same or substantially similar operations at the eligible project, the director shall allow the assignee to claim the credits for a period of time to be determined by the director; except that, the total number of tax periods the tax credits may be earned by the assignor and the assignee shall not exceed ten. To perfect the transfer, the assignor shall provide written notice to the director of the assignor's intent to transfer the tax credits to the assignee, the date the transfer is effective, the assignee's name, address, and the assignee's tax period, and the amount of tax credits to be transferred.

11. For the purpose of the state tax benefits described in this section, in the case of a corporation described in section 143.471 or partnership, in computing Missouri's tax liability, such state benefits shall be allowed to the following:

(1) The shareholders of the corporation described in section 143.471;

(2) The partners of the partnership. The credit provided in this subsection shall be apportioned to the entities described in subdivisions (1) and (2) of this subsection in proportion to their share of ownership on the last day of the taxpayer's tax period.

12. For each fiscal year beginning on or after July 1, 2011, the total amount of tax credits authorized under the provisions of sections 447.700 to 447.718 shall not exceed forty million dollars. No more than a total of ten million dollars in tax credits authorized under the provisions of sections 447.700 to 447.718 shall be authorized in any fiscal year for projects which receive benefits under the provisions of section 99.1205.

620.1878. For the purposes of sections 620.1875 to 620.1890, the following terms shall mean:

(1) "Approval", a document submitted by the department to the qualified company that states the benefits that may be provided by this program;

(2) "Average wage", the new payroll divided by the number of new jobs;

(3) "Commencement of operations", the starting date for the qualified company's first new employee, which must be no later than twelve months from the date of the approval;

(4) "County average wage", the average wages in each county as determined by the department for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of determining eligibility. The department shall publish the county average wage for each county at least annually. Notwithstanding the provisions of this subdivision to the contrary, for any qualified company that in conjunction with their project is relocating employees from a Missouri county with a higher county average wage, the company shall obtain the endorsement of the governing body of the community from which jobs are being relocated or the county average wage for their project shall be the county average wage for the county from which the employees are being relocated;

(5) “Department”, the Missouri department of economic development;

(6) “Director”, the director of the department of economic development;

(7) “Employee”, a person employed by a qualified company;

(8) “Full-time employee”, an employee of the qualified company that is scheduled to work an average of at least thirty-five hours per week for a twelve-month period, and one for which the qualified company offers health insurance and pays at least fifty percent of such insurance premiums;

(9) “High-impact project”, a qualified company that, within two years from commencement of operations, creates one hundred or more new jobs;

(10) “Local incentives”, the present value of the dollar amount of direct benefit received by a qualified company for a project facility from one or more local political subdivisions, but shall not include loans or other funds provided to the qualified company that must be repaid by the qualified company to the political subdivision;

(11) “NAICS”, the 1997 edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget. Any NAICS sector, subsector, industry group or industry identified in this section shall include its corresponding classification in subsequent federal industry classification systems;

(12) **“New capital investment”, shall include funds spent by the qualified company at the project facility after the approval of the notice of intent for real or personal property, and may include the present value of finance or capital leases for real or personal property for the term of such lease at the project facility executed after approval of the notice of intent;**

(13) “New direct local revenue”, the present value of the dollar amount of direct net new tax revenues of the local political subdivisions likely to be produced by the project over a ten-year period as calculated by the department, excluding local earnings tax, and net new utility revenues, provided the local incentives include a discount or other direct incentives from utilities owned or operated by the political subdivision;

[(13)] (14) “New investment”, the purchase or leasing of new tangible assets to be placed in operation at the project facility, which will be directly related to the new jobs;

[(14)] (15) “New job”, the number of full-time employees located at the project facility that exceeds the project facility base employment less any decrease in the number of full-time employees at related facilities below the related facility base employment. No job that was created prior to the date of the notice of intent shall be deemed a new job. An employee that spends less than fifty percent of the employee’s work time at the facility is still considered to be located at a facility if the employee receives his or her directions and control from that facility, is on the facility’s payroll, one hundred percent of the employee’s income from such employment is Missouri income, and the employee is paid at or above the state average wage;

[(15)] (16) “New payroll”, the amount of taxable wages of full-time employees, excluding owners, located at the project facility that exceeds the project facility base payroll. If full-time employment at related facilities is below the related facility base employment, any decrease in payroll for full-time employees at the related facilities below that related facility base payroll shall also be subtracted to determine new payroll;

[(16)] (17) “Notice of intent”, a form developed by the department, completed by the qualified company and submitted to the department which states the qualified company’s intent to hire new jobs and request

benefits under this program;

[(17)] **(18)** “Percent of local incentives”, the amount of local incentives divided by the amount of new direct local revenue;

[(18)] **(19)** “Program”, the Missouri quality jobs program provided in sections 620.1875 to 620.1890;

[(19)] **(20)** “Project facility”, the building used by a qualified company at which the new jobs and new investment will be located. A project facility may include separate buildings that are located within fifteen miles of each other or within the same county such that their purpose and operations are interrelated;

[(20)] **(21)** “Project facility base employment”, the greater of the number of full-time employees located at the project facility on the date of the notice of intent or for the twelve-month period prior to the date of the notice of intent, the average number of full-time employees located at the project facility. In the event the project facility has not been in operation for a full twelve-month period, the average number of full-time employees for the number of months the project facility has been in operation prior to the date of the notice of intent;

[(21)] **(22)** “Project facility base payroll”, the total amount of taxable wages paid by the qualified company to full-time employees of the qualified company located at the project facility in the twelve months prior to the notice of intent, not including the payroll of the owners of the qualified company unless the qualified company is participating in an employee stock ownership plan. For purposes of calculating the benefits under this program, the amount of base payroll shall increase each year based on an appropriate measure, as determined by the department;

[(22)] **(23)** “Project period”, the time period that the benefits are provided to a qualified company;

[(23)] **(24)** **“Projected net fiscal benefit”, the total fiscal benefit to the state less any state benefits offered to the qualified company, as determined by the department;**

(25) “Qualified company”, a firm, partnership, joint venture, association, private or public corporation whether organized for profit or not, or headquarters of such entity registered to do business in Missouri that is the owner or operator of a project facility, offers health insurance to all full-time employees of all facilities located in this state, and pays at least fifty percent of such insurance premiums. For the purposes of sections 620.1875 to 620.1890, the term “qualified company” shall not include:

(a) Gambling establishments (NAICS industry group 7132);

(b) Retail trade establishments (NAICS sectors 44 and 45);

(c) Food and drinking places (NAICS subsector 722);

(d) Public utilities (NAICS 221 including water and sewer services);

(e) Any company that is delinquent in the payment of any nonprotested taxes or any other amounts due the state or federal government or any other political subdivision of this state;

(f) Any company that has filed for or has publicly announced its intention to file for bankruptcy protection. However, a company that has filed for or has publicly announced its intention to file for bankruptcy between January 1, 2009, and December 31, 2009, may be a qualified company provided that such company:

a. Certifies to the department that it plans to reorganize and not to liquidate; and

b. After its bankruptcy petition has been filed, it produces proof, in a form and at times satisfactory to the department, that it is not delinquent in filing any tax returns or making any payment due to the state of Missouri, including but not limited to all tax payments due after the filing of the bankruptcy petition and under the terms of the plan of reorganization. Any taxpayer who is awarded benefits under this subsection and who files for bankruptcy under Chapter 7 of the United States Bankruptcy Code, Title 11 U.S.C., shall immediately notify the department and shall forfeit such benefits and shall repay the state an amount equal to any state tax credits already redeemed and any withholding taxes already retained;

(g) Educational services (NAICS sector 61);

(h) Religious organizations (NAICS industry group 8131);

(i) Public administration (NAICS sector 92);

(j) Ethanol distillation or production; or

(k) Biodiesel production. Notwithstanding any provision of this section to the contrary, the headquarters or administrative offices of an otherwise excluded business may qualify for benefits if the offices serve a multistate territory. In the event a national, state, or regional headquarters operation is not the predominant activity of a project facility, the new jobs and investment of such headquarters operation is considered eligible for benefits under this section if the other requirements are satisfied;

[~~(24)~~] **(26)** “Qualified renewable energy sources” shall not be construed to include ethanol distillation or production or biodiesel production; however, it shall include:

(a) Open-looped biomass;

(b) Close-looped biomass;

(c) Solar;

(d) Wind;

(e) Geothermal; and

(f) Hydropower;

[~~(25)~~] **(27)** “Related company” means:

(a) A corporation, partnership, trust, or association controlled by the qualified company;

(b) An individual, corporation, partnership, trust, or association in control of the qualified company; or

(c) Corporations, partnerships, trusts or associations controlled by an individual, corporation, partnership, trust or association in control of the qualified company. As used in this subdivision, “control of a corporation” shall mean ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote, “control of a partnership or association” shall mean ownership of at least fifty percent of the capital or profits interest in such partnership or association, “control of a trust” shall mean ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such trust, and ownership shall be determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended;

[~~(26)~~] **(28)** “Related facility”, a facility operated by the qualified company or a related company located in this state that is directly related to the operations of the project facility;

[(27)] **(29)** “Related facility base employment”, the greater of the number of full-time employees located at all related facilities on the date of the notice of intent or for the twelve-month period prior to the date of the notice of intent, the average number of full-time employees located at all related facilities of the qualified company or a related company located in this state;

[(28)] **(30)** “Related facility base payroll”, the total amount of taxable wages paid by the qualified company to full-time employees of the qualified company located at a related facility in the twelve months prior to the filing of the notice of intent, not including the payroll of the owners of the qualified company unless the qualified company is participating in an employee stock ownership plan. For purposes of calculating the benefits under this program, the amount of related facility base payroll shall increase each year based on an appropriate measure, as determined by the department;

[(29)] **(31)** “Rural area”, a county in Missouri with a population less than seventy-five thousand or that does not contain an individual city with a population greater than fifty thousand according to the most recent federal decennial census;

[(30)] **(32)** “Small and expanding business project”, a qualified company that within two years of the date of the approval creates a minimum of twenty new jobs if the project facility is located in a rural area or a minimum of forty new jobs if the project facility is not located in a rural area and creates fewer than one hundred new jobs regardless of the location of the project facility;

[(31)] **(33)** “Tax credits”, tax credits issued by the department to offset the state income taxes imposed by chapters 143 and 148, or which may be sold or refunded as provided for in this program;

[(32)] **(34)** “Technology business project”, a qualified company that within two years of the date of the approval creates a minimum of ten new jobs involved in the operations of a company:

(a) Which is a technology company, as determined by a regulation promulgated by the department under the provisions of section 620.1884 or classified by NAICS codes;

(b) Which owns or leases a facility which produces electricity derived from qualified renewable energy sources, or produces fuel for the generation of electricity from qualified renewable energy sources, but does not include any company that has received the alcohol mixture credit, alcohol credit, or small ethanol producer credit pursuant to 26 U.S.C. Section 40 of the tax code in the previous tax year;

(c) Which researches, develops, or manufactures power system technology for: aerospace; space; defense; hybrid vehicles; or implantable or wearable medical devices; or

(d) Which is a clinical molecular diagnostic laboratory focused on detecting and monitoring infections in immunocompromised patient populations;

[(33)] **(35)** “Withholding tax”, the state tax imposed by sections 143.191 to 143.265. For purposes of this program, the withholding tax shall be computed using a schedule as determined by the department based on average wages.

620.1881. 1. The department of economic development shall respond within thirty days to a company who provides a notice of intent with either an approval or a rejection of the notice of intent. The department shall give preference to qualified companies and projects targeted at an area of the state which has recently been classified as a disaster area by the federal government. Failure to respond on behalf of the department of economic development shall result in the notice of intent being deemed an approval for the purposes of this section. A qualified company who is provided an approval for a project shall be allowed a benefit as

provided in this program in the amount and duration provided in this section. A qualified company may receive additional periods for subsequent new jobs at the same facility after the full initial period if the minimum thresholds are met as set forth in sections 620.1875 to 620.1890. There is no limit on the number of periods a qualified company may participate in the program, as long as the minimum thresholds are achieved and the qualified company provides the department with the required reporting and is in proper compliance for this program or other state programs. A qualified company may elect to file a notice of intent to start a new project period concurrent with an existing project period if the minimum thresholds are achieved and the qualified company provides the department with the required reporting and is in proper compliance for this program and other state programs; however, the qualified company may not receive any further benefit under the original approval for jobs created after the date of the new notice of intent, and any jobs created before the new notice of intent may not be included as new jobs for the purpose of benefit calculation in relation to the new approval. When a qualified company has filed and received approval of a notice of intent and subsequently files another notice of intent, the department shall apply the definition of project facility under [subdivision (19) of] section 620.1878 to the new notice of intent as well as all previously approved notices of intent and shall determine the application of the definitions of new job, new payroll, project facility base employment, and project facility base payroll accordingly.

2. Notwithstanding any provision of law to the contrary, any qualified company that is awarded benefits under this program may not simultaneously receive tax credits or exemptions under sections 135.100 to 135.150, sections 135.200 to 135.286, section 135.535, or sections 135.900 to 135.906 at the same project facility. The benefits available to the company under any other state programs for which the company is eligible and which utilize withholding tax from the new jobs of the company must first be credited to the other state program before the withholding retention level applicable under the Missouri quality jobs act will begin to accrue. These other state programs include, but are not limited to, the new jobs training program under sections 178.892 to 178.896, the job retention program under sections 178.760 to 178.764, the real property tax increment allocation redevelopment act, sections 99.800 to 99.865, or the Missouri downtown and rural economic stimulus act under sections 99.915 to 99.980. If any qualified company also participates in the new jobs training program in sections 178.892 to 178.896, the company shall retain no withholding tax, but the department shall issue a refundable tax credit for the full amount of benefit allowed under this [subdivision] **subsection**. The calendar year annual maximum amount of tax credits which may be issued to a qualifying company that also participates in the new job training program shall be increased by an amount equivalent to the withholding tax retained by that company under the new jobs training program. However, if the combined benefits of the quality jobs program and the new jobs training program exceed the projected state benefit of the project, as determined by the department of economic development through a cost-benefit analysis, the increase in the maximum tax credits shall be limited to the amount that would not cause the combined benefits to exceed the projected state benefit. Any taxpayer who is awarded benefits under this program who knowingly hires individuals who are not allowed to work legally in the United States shall immediately forfeit such benefits and shall repay the state an amount equal to any state tax credits already redeemed and any withholding taxes already retained.

3. The types of projects and the amount of benefits to be provided are:

(1) Small and expanding business projects: in exchange for the consideration provided by the new tax revenues and other economic stimuli that will be generated by the new jobs created by the program, a qualified company may retain an amount equal to the withholding tax as calculated under subdivision [(33)] (35) of section 620.1878 from the new jobs that would otherwise be withheld and remitted by the qualified

company under the provisions of sections 143.191 to 143.265 for a period of three years from the date the required number of new jobs were created if the average wage of the new payroll equals or exceeds the county average wage or for a period of five years from the date the required number of new jobs were created if the average wage of the new payroll equals or exceeds one hundred twenty percent of the county average wage;

(2) Technology business projects: in exchange for the consideration provided by the new tax revenues and other economic stimuli that will be generated by the new jobs created by the program, a qualified company may retain an amount equal to a maximum of five percent of new payroll for a period of five years from the date the required number of jobs were created from the withholding tax of the new jobs that would otherwise be withheld and remitted by the qualified company under the provisions of sections 143.191 to 143.265 if the average wage of the new payroll equals or exceeds the county average wage. An additional one-half percent of new payroll may be added to the five percent maximum if the average wage of the new payroll in any year exceeds one hundred twenty percent of the county average wage in the county in which the project facility is located, plus an additional one-half percent of new payroll may be added if the average wage of the new payroll in any year exceeds one hundred forty percent of the average wage in the county in which the project facility is located. The department shall issue a refundable tax credit for any difference between the amount of benefit allowed under this subdivision and the amount of withholding tax retained by the company, in the event the withholding tax is not sufficient to provide the entire amount of benefit due to the qualified company under this subdivision;

(3) High impact projects: in exchange for the consideration provided by the new tax revenues and other economic stimuli that will be generated by the new jobs created by the program, a qualified company may retain an amount from the withholding tax of the new jobs that would otherwise be withheld and remitted by the qualified company under the provisions of sections 143.191 to 143.265, equal to three percent of new payroll for a period of five years from the date the required number of jobs were created if the average wage of the new payroll equals or exceeds the county average wage of the county in which the project facility is located. For high-impact projects in a facility located within two adjacent counties, the new payroll shall equal or exceed the higher county average wage of the adjacent counties. The percentage of payroll allowed under this subdivision shall be three and one-half percent of new payroll if the average wage of the new payroll in any year exceeds one hundred twenty percent of the county average wage in the county in which the project facility is located. The percentage of payroll allowed under this subdivision shall be four percent of new payroll if the average wage of the new payroll in any year exceeds one hundred forty percent of the county average wage in the county in which the project facility is located. An additional one percent of new payroll may be added to these percentages if local incentives equal between ten percent and twenty-four percent of the new direct local revenue; an additional two percent of new payroll is added to these percentages if the local incentives equal between twenty-five percent and forty-nine percent of the new direct local revenue; or an additional three percent of payroll is added to these percentages if the local incentives equal fifty percent or more of the new direct local revenue. The department shall issue a refundable tax credit for any difference between the amount of benefit allowed under this subdivision and the amount of withholding tax retained by the company, in the event the withholding tax is not sufficient to provide the entire amount of benefit due to the qualified company under this subdivision;

(4) Job retention projects: a qualified company may receive a tax credit for the retention of jobs in this state, provided the qualified company and the project meets all of the following conditions:

(a) For each of the twenty-four months preceding the year in which application for the program is made

the qualified company must have maintained at least one thousand full-time employees at the employer's site in the state at which the jobs are based, and the average wage of such employees must meet or exceed the county average wage;

(b) The qualified company retained at the project facility the level of full-time employees that existed in the taxable year immediately preceding the year in which application for the program is made;

(c) The qualified company is considered to have a significant statewide effect on the economy, and has been determined to represent a substantial risk of relocation from the state by the quality jobs advisory task force established in section 620.1887; provided, however, until such time as the initial at-large members of the quality jobs advisory task force are appointed, this determination shall be made by the director of the department of economic development;

(d) The qualified company in the project facility will cause to be invested a minimum of seventy million dollars in new investment prior to the end of two years or will cause to be invested a minimum of thirty million dollars in new investment prior to the end of two years and maintain an annual payroll of at least seventy million dollars during each of the years for which a credit is claimed; and

(e) The local taxing entities shall provide local incentives of at least fifty percent of the new direct local revenues created by the project over a ten-year period. The quality jobs advisory task force may recommend to the department of economic development that appropriate penalties be applied to the company for violating the agreement. The amount of the job retention credit granted may be equal to up to fifty percent of the amount of withholding tax generated by the full-time jobs at the project facility for a period of five years. The calendar year annual maximum amount of tax credit that may be issued to any qualified company for a job retention project or combination of job retention projects shall be seven hundred fifty thousand dollars per year, but the maximum amount may be increased up to one million dollars if such action is proposed by the department and approved by the quality jobs advisory task force established in section 620.1887; provided, however, until such time as the initial at-large members of the quality jobs advisory task force are appointed, this determination shall be made by the director of the department of economic development. In considering such a request, the task force shall rely on economic modeling and other information supplied by the department when requesting the increased limit on behalf of the job retention project. In no event shall the total amount of all tax credits issued for the entire job retention program under this subdivision exceed three million dollars annually. Notwithstanding the above, no tax credits shall be issued for job retention projects approved by the department after August 30, 2013;

(5) (a) Job retention projects: In lieu of the benefits provided under subdivision (4) of this subsection and in exchange for the consideration provided by the tax revenues and other economic stimuli that will be generated by the retention of jobs and the making of new capital investment in this state, a qualified company may be eligible to receive the benefits described in this subdivision if the department determines that there is a significant probability that the qualified company would relocate to another state in the absence of the benefits authorized under this subdivision.

(b) A qualified company meeting the requirements of this subdivision may be authorized to retain an amount not to exceed one hundred percent of the withholding tax from full-time jobs that would otherwise be withheld and remitted by the qualified company under the provisions of sections 143.191 to 143.265, for a period of ten years if the average wage of the retained jobs equals or exceeds ninety percent of the county average wage. In order to receive benefits under this subdivision, a qualified company shall enter into written agreement with the department containing detailed performance

requirements and repayment penalties in event of nonperformance. The amount of benefits awarded to a qualified company under this subdivision and subdivision (6) of this subsection shall not exceed the projected net fiscal benefit and shall not exceed the least amount necessary to obtain the qualified company's commitment to retain the necessary number of jobs and make the required new capital investment.

(c) In order to be eligible to receive benefits under this subdivision, the qualified company shall meet each of the following conditions:

a. The qualified company shall agree to retain, for a period of ten years from the date of approval, at least one hundred and twenty-five retained jobs; and

b. The qualified company shall agree to make a new capital investment at the project facility within three years of the approval in an amount at least three times the amount of the benefits, available under this subdivision, which are offered to the qualified company by the department.

(d) In awarding benefits under this subdivision, the department shall consider the following factors:

a. The significance of the qualified company's need for program benefits;

b. The amount of projected net fiscal benefit to the state of the project and the period in which the state would realize such net fiscal benefit;

c. The overall size and quality of the proposed project, including the number of new jobs, new capital investment, proposed wages, growth potential of the qualified company, the potential multiplier effect of the project, and similar factors;

d. The financial stability and creditworthiness of the qualified company;

e. The level of economic distress in the area;

f. An evaluation of the competitiveness of alternative locations for the project facility, as applicable; and

g. The percent of local incentives committed;

(e) Upon approval of a notice of intent to request benefits under this subdivision, the department and the qualified company shall enter into a written agreement covering the applicable project period. The agreement shall specify, at a minimum:

a. The committed number of retained jobs, payroll, and new capital investment for each year during the project period;

b. Clawback provisions, as may be required by the department; and

c. Any other provisions the department may require.

(f) In no event shall the total amount of benefits available to all qualified companies under this subdivision exceed:

a. Three million dollars for the fiscal year beginning on or after July 1, 2011, and ending on or before June 30, 2012;

b. Four million dollars for the fiscal year beginning on or after July 1, 2012, and ending on or

before June 30, 2013;

c. Five million dollars for the fiscal year beginning on or after July 1, 2013, and ending on or before June 30, 2014; and

d. Six million dollars for all fiscal years beginning on or after July 1, 2014.

(6) (a) The department may award a qualified company meeting the requirements of subdivision (5) of this subsection tax credits in an amount not to exceed eighty percent of the amount the qualified company may otherwise be eligible to retain for a period of five years under subdivision (5) of this subsection.

(b) In addition to satisfying each of the requirements of subdivision (5) of this subsection, a qualified company requesting tax credits under this subdivision shall provide to the department, prior to approval, evidence of commitments for the financing of any applicable new capital investment. The new capital investment shall be made at the project facility within two years of the date of approval.

(c) Upon approval of a notice of intent to request tax credits under this subdivision, the department and the qualified company shall enter into a written agreement covering the applicable project period. The agreement shall specify, at a minimum:

a. The committed number of jobs, payroll, and new capital investment for each year during the project period;

b. The date or time period during which the tax credits shall be issued, which may be immediately or over a period not to exceed two years from the date of approval;

c. Penalties, including the recapture of tax credits awarded under this subdivision, for failure to satisfy the requirements provided under this subdivision and subdivision (5) of this subsection; and

d. Any other provisions the department may require.

(d) No later than October 1, 2011, and the first day of October each year thereafter, the department shall provide to the budget committee of the house of representatives and the appropriations committee of the senate a request for an appropriation for the tax credits authorized under this subdivision. Appropriations made under the provisions of this subdivision shall provide the amount of tax credits which may be authorized during the fiscal year immediately following the fiscal year in which such appropriation is made. Appropriations provided under this subdivision shall only be made in the annual appropriation bill relating to public debt.

(e) No tax credits shall be authorized under the provisions of this subdivision, unless an appropriation is made under the provisions of paragraph (d) of this subdivision. In any fiscal year for which an appropriation is made under the provisions of paragraph (d) of this subdivision, no more than the amount of tax credits so appropriated shall be authorized. There is hereby created in the state treasury the "Missouri Quality Jobs Retention Tax Credit Program Fund", which shall consist of money appropriated under this subsection. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the administration of this subdivision. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund for tax credits which have been authorized but not yet redeemed at the end of the fiscal year shall not revert to the credit of the general revenue fund. Any moneys remaining in the fund at the end of the

fiscal year for any tax credits which remain unauthorized at the end of the fiscal year shall revert to the credit of the general revenue fund. Provisions of section 32.057 to the contrary notwithstanding, the department of revenue shall notify the director of the department upon redemption of each tax credit authorized under the provisions of this subdivision. Upon such notification, an amount equal to the tax credits redeemed shall be transferred from the fund created in this subdivision to the general revenue fund. In the event the department determines that any tax credit authorized under this subsection is precluded from being redeemed due to contractual agreement entered into by the department and the tax credit applicant or is otherwise precluded by law from being redeemed, an amount equal to such tax credit shall be transferred from the fund created in this subdivision to the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the general revenue fund at the end of each fiscal year.

(7) Small business job retention and flood survivor relief: a qualified company may receive a tax credit under sections 620.1875 to 620.1890 for the retention of jobs and flood survivor relief in this state for each job retained over a three-year period, provided that:

(a) The qualified company did not receive any state or federal benefits, incentives, or tax relief or abatement in locating its facility in a flood plain;

(b) The qualified company and related companies have fewer than one hundred employees at the time application for the program is made;

(c) The average wage of the qualified company's and related companies' employees must meet or exceed the county average wage;

(d) All of the qualified company's and related companies' facilities are located in this state;

(e) The facilities at the primary business site in this state have been directly damaged by floodwater rising above the level of a five hundred year flood at least two years, but fewer than eight years, prior to the time application is made;

(f) The qualified company made significant efforts to protect the facilities prior to any impending danger from rising floodwaters;

(g) For each year it receives tax credits under sections 620.1875 to 620.1890, the qualified company and related companies retained, at the company's facilities in this state, at least the level of full-time, year-round employees that existed in the taxable year immediately preceding the year in which application for the program is made; and

(h) In the years it receives tax credits under sections 620.1875 to 620.1890, the company cumulatively invests at least two million dollars in capital improvements in facilities and equipment located at such facilities that are not located within a five hundred year flood plain as designated by the Federal Emergency Management Agency, and amended from time to time. The amount of the small business job retention and flood survivor relief credit granted may be equal to up to one hundred percent of the amount of withholding tax generated by the full-time jobs at the project facility for a period of three years. The calendar year annual maximum amount of tax credit that may be issued to any qualified company for a small business job retention and survivor relief project shall be two hundred fifty thousand dollars per year, but the maximum amount may be increased up to five hundred thousand dollars if such action is proposed by the department and approved by the quality jobs advisory task force established in section 620.1887. In considering such

a request, the task force shall rely on economic modeling and other information supplied by the department when requesting an increase in the limit on behalf of the small business job retention and flood survivor relief project. In no event shall the total amount of all tax credits issued for the entire small business job retention and flood survivor relief program under this subdivision exceed five hundred thousand dollars annually. Notwithstanding the provisions of this subdivision to the contrary, no tax credits shall be issued for small business job retention and flood survivor relief projects approved by the department after August 30, 2010.

4. The qualified company shall provide an annual report of the number of jobs and such other information as may be required by the department to document the basis for the benefits of this program. The department may withhold the approval of any benefits until it is satisfied that proper documentation has been provided, and shall reduce the benefits to reflect any reduction in full-time employees or new payroll. Upon approval by the department, the qualified company may begin the retention of the withholding taxes when it reaches the minimum number of new jobs and the average wage exceeds the county average wage. Tax credits, if any, may be issued upon satisfaction by the department that the qualified company has exceeded the county average wage and the minimum number of new jobs. In such annual report, if the average wage is below the county average wage, the qualified company has not maintained the employee insurance as required, or if the number of new jobs is below the minimum, the qualified company shall not receive tax credits or retain the withholding tax for the balance of the benefit period. In the case of a qualified company that initially filed a notice of intent and received an approval from the department for high-impact benefits and the minimum number of new jobs in an annual report is below the minimum for high-impact projects, the company shall not receive tax credits for the balance of the benefit period but may continue to retain the withholding taxes if it otherwise meets the requirements of a small and expanding business under this program.

5. The maximum calendar year annual tax credits issued for the entire program shall not exceed eighty million dollars. Notwithstanding any provision of law to the contrary, the maximum annual tax credits authorized under section 135.535 are hereby reduced from ten million dollars to eight million dollars, with the balance of two million dollars transferred to this program. There shall be no limit on the amount of withholding taxes that may be retained by approved companies under this program.

6. The department shall allocate the annual tax credits based on the date of the approval, reserving such tax credits based on the department's best estimate of new jobs and new payroll of the project, and the other factors in the determination of benefits of this program. However, the annual issuance of tax credits is subject to the annual verification of the actual new payroll. The allocation of tax credits for the period assigned to a project shall expire if, within two years from the date of commencement of operations, or approval if applicable, the minimum thresholds have not been achieved. The qualified company may retain authorized amounts from the withholding tax under this section once the minimum new jobs thresholds are met for the duration of the project period. No benefits shall be provided under this program until the qualified company meets the minimum new jobs thresholds. In the event the qualified company does not meet the minimum new job threshold, the qualified company may submit a new notice of intent or the department may provide a new approval for a new project of the qualified company at the project facility or other facilities.

7. For a qualified company with flow-through tax treatment to its members, partners, or shareholders, the tax credit shall be allowed to members, partners, or shareholders in proportion to their share of ownership on the last day of the qualified company's tax period.

8. Tax credits may be claimed against taxes otherwise imposed by chapters 143 and 148, and may not be carried forward but shall be claimed within one year of the close of the taxable year for which they were issued, except as provided under subdivision (4) of subsection 3 of this section.

9. Tax credits authorized by this section may be transferred, sold, or assigned by filing a notarized endorsement thereof with the department that names the transferee, the amount of tax credit transferred, and the value received for the credit, as well as any other information reasonably requested by the department.

10. Prior to the issuance of tax credits, the department shall verify through the department of revenue, or any other state department, that the tax credit applicant does not owe any delinquent income, sales, or use tax or interest or penalties on such taxes, or any delinquent fees or assessments levied by any state department and through the department of insurance, financial institutions and professional registration that the applicant does not owe any delinquent insurance taxes. Such delinquency shall not affect the authorization of the application for such tax credits, except that at issuance credits shall be first applied to the delinquency and any amount issued shall be reduced by the applicant's tax delinquency. If the department of revenue or the department of insurance, financial institutions and professional registration, or any other state department, concludes that a taxpayer is delinquent after June fifteenth but before July first of any year and the application of tax credits to such delinquency causes a tax deficiency on behalf of the taxpayer to arise, then the taxpayer shall be granted thirty days to satisfy the deficiency in which interest, penalties, and additions to tax shall be tolled. After applying all available credits toward a tax delinquency, the administering agency shall notify the appropriate department and that department shall update the amount of outstanding delinquent tax owed by the applicant. If any credits remain after satisfying all insurance, income, sales, and use tax delinquencies, the remaining credits shall be issued to the applicant, subject to the restrictions of other provisions of law.

11. Except as provided under subdivision (4) of subsection 3 of this section, the director of revenue shall issue a refund to the qualified company to the extent that the amount of credits allowed in this section exceeds the amount of the qualified company's income tax.

12. An employee of a qualified company will receive full credit for the amount of tax withheld as provided in section 143.211.

13. If any provision of sections 620.1875 to 620.1890 or application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or application of these sections which can be given effect without the invalid provisions or application, and to this end, the provisions of sections 620.1875 to 620.1890 are hereby declared severable.

620.2300. 1. As used in this section, the following terms shall mean:

- (1) "Department", the Missouri department of economic development;**
- (2) "Biomass facility", a biomass renewable energy facility or biomass fuel production facility that will not be a major source for air quality permitting purposes;**
- (3) "Commission", the Missouri public service commission;**
- (4) "County average wage", the average wages in each county as determined by the department for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of determining eligibility. The department shall publish the**

county average wage for each county at least annually. Notwithstanding the provisions of this subdivision to the contrary, for any project that is relocating employees from a Missouri county with a higher county average wage, the company shall obtain the endorsement of the governing body of the community from which jobs are being relocated or the county average wage for their project shall be the county average wage for the county from which the employees are being relocated;

(5) “Full-time employee”, an employee of the project facility that is scheduled to work an average of at least thirty-five hours per week for a twelve-month period, and one for which the employer offers health insurance and pays at least fifty percent of such insurance premiums;

(6) “Major source”, the same meaning as is provided under 40 CFR 70.2;

(7) “New job”, the number of full-time employees located at the project facility that exceeds the project facility base employment less any decrease in the number of full-time employees at related facilities below the related facility base employment. An employee that spends less than fifty percent of the employee’s work time at the project facility is still considered to be located at a facility if the employee receives his or her directions and control from that facility, is on the facility’s payroll, one hundred percent of the employee’s income from such employment is Missouri income, and the employee is paid at or above the state average wage;

(8) “Park”, an area consisting of a parcel or tract of land, or any combination of parcels or contiguous land that meet all of the following requirements:

(a) The area consists of at least fifty contiguous acres;

(b) The property within the area is subject to remediation under a clean up program supervised by the Missouri department of natural resources or United States Environmental Protection Agency;

(c) The area contains a manufacturing facility that is closed, undergoing closure, idle, underutilized, or curtailed and that at one time employed at least two hundred employees;

(d) The development plan for the area includes a biomass facility; and

(e) Property located within the area will be used for the development of renewable energy and the demonstration of industrial on-site energy generation;

(9) “Project”, a cleanfields renewable energy demonstration project located within a park that will result in the creation of at least fifty new jobs and the retention of at least fifty existing jobs;

(10) “Project application”, an application submitted to the department, by an owner of all or a portion of a park, on a form provided by the department, requesting benefits provided under this section;

(11) “Project facility”, a biomass facility at which the new jobs will be located. A project facility may include separate buildings that are located within fifty miles of each other or within the same county such that their purpose and operations are interrelated;

(12) “Project facility base employment”, the greater of the number of full-time employees located at the project facility on the date of the project application or for the twelve-month period prior to the date of the project application, the average number of full-time employees located at the project facility. In the event the project facility has not been in operation for a full twelve-month period, the average number of full-time employees for the number of months the project facility has been in

operation prior to the date of the project application.

2. The owner of a park seeking to establish a project shall submit a project application to the department for certification of such project. The department shall review all project applications received under this section and, in consultation with the department of natural resources, verify satisfaction of the requirements of this section. If the department approves a project application, the department shall forward such application and approval to the commission.

3. Notwithstanding provisions of section 393.1030 to the contrary, upon receipt of an application and approval from the department, the commission shall assign double credit to any electric power, renewable energy, renewable energy credits, or any successor credit generated from:

(1) Renewable energy resources purchased from the biomass facility located in the park by an electric power supplier;

(2) Electric power generated off-site by utilizing biomass fuel sold by the biomass facility located at the park; or

(3) Electric power generated off-site by renewable energy resources utilizing storage equipment manufactured at the park that increases the quantity of electricity delivered to the electric power supplier.”; and

Further amend said bill, Section 1, Page 98, Line 3, by inserting the following after all of said Line:

“[348.253. 1. The Missouri technology corporation may contract with not-for-profit organizations to carry out the provisions of sections 348.251 to 348.275. By entering into such contracts, the corporation shall attempt to achieve the following objectives:

(1) The establishment of a research alliance which shall advance technology development, as defined in subdivision (3) of section 348.251. The corporation, in this capacity, shall have the authority to contract directly with centers for advanced technology, as established by section 348.272, and other not-for-profit entities. In proceeding with this objective, the corporation and centers for advanced technology shall utilize the results of targeted industry studies commissioned by the department of economic development;

(2) Technology commercialization, as defined in subdivision (2) of section 348.251;

(3) The establishment of a finance corporation to assist in the implementation of section 348.261; and

(4) The enhancement of technology application, as defined in subdivision (1) of section 348.251.

2. Any contract signed between the corporation and any not-for-profit organization, including innovation centers as defined in section 348.271, shall require that the not-for-profit organization must provide at least one-hundred-percent match for any funding received from the corporation through the technology investment fund, as established in section 348.264.]”;

Further amend said bill, Section B, Page 98, Line 9, by inserting the following after all of said line:

“Section C. As provided in section 1.140, the provisions of every section in this act are severable. If any provision of any section in this act is found by a court of competent jurisdiction to be unconstitutional, the remaining provisions of the act are valid unless the court finds the valid provisions of the act are so essentially and inseparably connected with, and so dependent upon, the void provision that it cannot be

presumed the legislature would have enacted the valid provisions without the void one; or unless the court finds that the valid provisions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS No. 2** for **SCS** for **HCS** for **HB 111**, as amended, and has taken up and passed **SS No. 2** for **SCS** for **HCS** for **HB 111**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HCS** for **HB 555**, as amended, and has taken up and passed **SS** for **SCS** for **HCS** for **HB 555**, as amended.

RESOLUTIONS

Senator Brown offered Senate Resolution No. 1101, regarding Margie S. Clark, which was adopted.

Senator Brown offered Senate Resolution No. 1102, regarding JoAnn Chapman, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Schaefer introduced to the Senate, the Physician of the Day, Dr. Jerry Kennett, M.D., Columbia.

On motion of Senator Dempsey, the Senate adjourned until 8:00 a.m., Thursday, May 26, 2011.

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Journal of the Senate

FIRST REGULAR SESSION

SEVENTIETH DAY—THURSDAY, MAY 26, 2011

The Senate met pursuant to adjournment.

President Pro Tem Mayer in the Chair.

RESOLUTIONS

On behalf of Senator Engler, Senator Mayer offered Senate Resolution No. 1103, regarding Victoria M. Kearns, which was adopted.

On behalf of Senator Chappelle-Nadal, Senator Mayer offered Senate Resolution No. 1104, regarding Donna Potts, which was adopted.

On behalf of Senator Keaveny, Senator Mayer offered Senate Resolution No. 1105, regarding Nhat Phu, St. Louis, which was adopted.

On behalf of Senator Keaveny, Senator Mayer offered Senate Resolution No. 1106, regarding Liridon “Doni” Shabani, St. Louis, which was adopted.

On behalf of Senator Keaveny, Senator Mayer offered Senate Resolution No. 1107, regarding Aaron L. Walker, Saint Louis, which was adopted.

On behalf of Senator Ridgeway, Senator Mayer offered Senate Resolution No. 1108, regarding Midwest Small Business Finance, which was adopted.

On behalf of Senator Munzlinger, Senator Mayer offered Senate Resolution No. 1109, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. L.V. Jones, Emerson, which was adopted.

On behalf of Senator Munzlinger, Senator Mayer offered Senate Resolution No. 1110, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ellis Glasgow, Mexico, which was adopted.

On behalf of Senator Munzlinger, Senator Mayer offered Senate Resolution No. 1111, regarding Lisa Blickhan, Shelbyville, which was adopted.

On behalf of Senator Wright-Jones, Senator Mayer offered Senate Resolution No. 1112, regarding Majestic Restaurant and Bar, St. Louis, which was adopted.

On behalf of Senator Wright-Jones, Senator Mayer offered Senate Resolution No. 1113, regarding Lindsey Beasley, which was adopted.

On behalf of Senator Rupp, Senator Mayer offered Senate Resolution No. 1114, regarding Charyse SarVina Cody, Dardenne Prairie, which was adopted.

On behalf of Senator Rupp, Senator Mayer offered Senate Resolution No. 1115, regarding Brienna Leshé Manore, O'Fallon, which was adopted.

On behalf of Senator Rupp, Senator Mayer offered Senate Resolution No. 1116, regarding Ellis Xavier Maise, Wentzville, which was adopted.

On behalf of Senator Rupp, Senator Mayer offered Senate Resolution No. 1117, regarding Jade LeAnn McKee, Wentzville, which was adopted.

On behalf of Senator Schaefer, Senator Mayer offered Senate Resolution No. 1118, regarding Marilyn McLeod, Columbia, which was adopted.

On behalf of Senator Green, Senator Mayer offered Senate Resolution No. 1119, regarding Barbara Kuhlman McHugh, which was adopted.

On behalf of Senator Wright-Jones, Senator Mayer offered Senate Resolution No. 1120, regarding Tammeron Hearn, Jefferson City, which was adopted.

On behalf of Senator Wright-Jones, Senator Mayer offered Senate Resolution No. 1121, regarding Rachel Westerfield, Florissant, which was adopted.

On behalf of Senator Goodman, Senator Mayer offered Senate Resolution No. 1122, regarding the One Hundred Forty-fifth Anniversary of the First Baptist Church, Mount Vernon, which was adopted.

On behalf of Senator Kehoe, Senator Mayer offered Senate Resolution No. 1123, regarding Peggy J. Strong, Jefferson City, which was adopted.

On behalf of Senator Kehoe, Senator Mayer offered Senate Resolution No. 1124, regarding Annie Green, Eugene, which was adopted.

On behalf of Senator Kehoe, Senator Mayer offered Senate Resolution No. 1125, regarding the Missouri Child Identification Program of the Masonic Children's Foundation, which was adopted.

On behalf of Senator Engler, Senator Mayer offered Senate Resolution No. 1126, regarding Susan Francis, which was adopted.

On behalf of Senator Engler, Senator Mayer offered Senate Resolution No. 1127, regarding Gib Collins, Desloge, which was adopted.

On behalf of Senator Parson, Senator Mayer offered Senate Resolution No. 1128, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Art Neuenschwander, which was adopted.

On behalf of Senator Parson, Senator Mayer offered Senate Resolution No. 1129, regarding Charles L. Ealy, Bolivar, which was adopted.

On behalf of Senator Crowell, Senator Mayer offered Senate Resolution No. 1130, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Clarence Schlimpert, Jackson, which was adopted.

On behalf of Senator Crowell, Senator Mayer offered Senate Resolution No. 1131, regarding the Fifty-fifth Wedding Anniversary of Mr. and Mrs. Bill Ford, Cape Girardeau, which was adopted.

On behalf of Senator Brown, Senator Mayer offered Senate Resolution No. 1132, regarding the Sesquicentennial Anniversary of the city of Rolla, which was adopted.

On behalf of Senator Lembke, Senator Mayer offered Senate Resolution No. 1133, regarding Cameron Paul Rudolph, which was adopted.

On behalf of Senator Parson, Senator Mayer offered Senate Resolution No. 1134, regarding Bill Little, Bolivar, which was adopted.

On behalf of Senator Crowell, Senator Mayer offered Senate Resolution No. 1135, regarding Samantha Amberger, which was adopted.

On behalf of Senator Crowell, Senator Mayer offered Senate Resolution No. 1136, regarding Ashley Hotop, which was adopted.

On behalf of Senator Crowell, Senator Mayer offered Senate Resolution No. 1137, regarding Ethan Siemer, which was adopted.

On behalf of Senator Crowell, Senator Mayer offered Senate Resolution No. 1138, regarding Brett Thomas, which was adopted.

Senator Mayer offered Senate Resolution No. 1139, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bill Biggs, Kennett, which was adopted.

On behalf of Senator Engler, Senator Mayer offered Senate Resolution No. 1140, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. William Anthony Visnovske, French Village, which was adopted.

On behalf of Senator Schaefer, Senator Mayer offered Senate Resolution No. 1141, regarding Michael D. Wells, Columbia, which was adopted.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, Senator Mayer submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **HCS No. 2 for SB 3; SB 36; SB 38; CCS for HCS for SB 48; SCS for SB 54; SS for SB 55; HCS for SCS for SB 57; CCS for HCS for SB 59; HCS for SS No. 2 for SCS for SB 62; SS for SCS for SB 65; SCS for SB 68; CCS for SS for SCS for SB 70; HCS for SB 77; CCS for SCS for SB 81; SB 83; HCS No. 2 for SB 96; HCS No. 2 for SB 97; SB 101; CCS for HCS No. 2 for SCS for SB 117; HCS for SS for SB 118; HCS for SS for SCS for SB 132; CCS for HCS for SS for SB 135; HCS for SCS for SB 163; SB 165; CCS for HCS for SB 173; SB 180; HCS for SCS for SB 213; HCS for SB 220; CCS for HCS for SS for SB 226; SB 237; SS for SB 238; CCS No. 2 for HCS for SB 250; CCS for HCS for SB 282; CCS for HCS for SB 284; SS for SB 306; SS No. 2 for SCS for SB 320; HCS for SB 325; HCS for SS for SCS for SB 351; CCS No. 2 for HCS for SCS for SB 356; HCS for SCS for SB 366; and HCS No. 2 for SJR 2**, begs leave to report that it has examined the same and finds that the bills and joint resolution have been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HCS No. 2 for SB 3; SB 36; SB 38; CCS for HCS for SB 48; SCS for SB 54; SS for SB 55; HCS for SCS for SB 57; CCS for**

HCS for SB 59; HCS for SS No. 2 for SCS for SB 62; SS for SCS for SB 65; SCS for SB 68; CCS for SS for SCS for SB 70; HCS for SB 77; CCS for SCS for SB 81; SB 83; HCS No. 2 for SB 96; HCS No. 2 for SB 97; SB 101; CCS for HCS No. 2 for SCS for SB 117; HCS for SS for SB 118; HCS for SS for SCS for SB 132; CCS for HCS for SS for SB 135; HCS for SCS for SB 163; SB 165; CCS for HCS for SB 173; SB 180; HCS for SCS for SB 213; HCS for SB 220; CCS for HCS for SS for SB 226; SB 237; SS for SB 238; CCS No. 2 for HCS for SB 250; CCS for HCS for SB 282; CCS for HCS for SB 284; SS for SB 306; SS No. 2 for SCS for SB 320; HCS for SB 325; HCS for SS for SCS for SB 351; CCS No. 2 for HCS for SCS for SB 356; HCS for SCS for SB 366; and HCS No. 2 for SJR 2, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills and joint resolution would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills and joint resolution were so read by the Secretary and signed by the President Pro Tem.

SIGNING OF CONCURRENT RESOLUTIONS

The President Pro Tem announced that all other business would be suspended and **SCR 11**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, be signed to the end that it shall have the full force and effect of law. No objections being made, the concurrent resolution was read by the Secretary and signed by the President Pro Tem.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS for SCS for HCS for HB 2; CCS for SCS for HCS for HB 3; CCS for SCS for HCS for HB 4; CCS for SCS for HCS for HB 5; CCS for SCS for HCS for HB 6; CCS for SCS for HCS for HB 7; CCS for SCS for HCS for HB 8; CCS for SCS for HCS for HB 9; CCS for SCS for HCS for HB 10; CCS for SCS for HCS for HB 11; CCS for SCS for HCS for HB 12; CCS for SCS for HCS for HB 13; SCS for HCS for HB 17; SCS for HCS for HB 18; SCS for HCS for HB 21; SCS for HCS for HB 22; SCS for HCS for HB 38; SS for SCS for HCS for HB 45; HB 68; HCS for HB 70; SS for SCS for HCS for HBs 73 and 47; HCS for HB 83; SS No. 2 for SCS for HCS for HB 89; CCS for SCS for HB 101; HB 109; SS No. 2 for SCS for HCS for HB 111; HCS for HB 136; SS for SCS for HB 137; CCS for SCS for HB 142; SCS for HB 149; HB 151; SS for SCS for HCS for HB 161; HB 183; SS for SCS for HB 184; SCS for HB 186; HB 190; HCS for HB 197; HB 199; HB 204; SS for HCS for HB 213; SCS for HCS for HB 214; HB 217; HCS for HB 220; HCS for HBs 223 and 231; HB 229; HCS for HB 250; SCS for HB 256; HB 260; SS for SCS for HCS for HB 265; SCS for HB 270; SS for SCS for HB 282; SS No. 2 for SCS for HCS for HBs 294, 123, 125, 113, 271 and 215; SCS for HCS for HBs 300, 334 and 387; SCS for HB 307 and HB 812; HCS for HB 315; SS for HCS for HB 338; SS for HB 339; HB 340; SCS for HCS for HB 344; SCS for HB 388; HCS for HB 407; SCS for HCS for HB 412; HB 423; CCS for SS for SCS for HCS for HB 430; SS for SCS for HCS for HB 431; CCS for SS for HB 458; SCS for HCS for HB 464; HCS for HB 465; SS for SCS for HCS for HBs 470 and 429; HB 484; HB 499; SCS for HCS for HB 506; HB 550; SCS for HCS for HB 552; SS for SCS for HCS for HB 555; SCS for HCS for HB 578; SCS for HB 591; SS for SCS for HCS for HB 604; SCS for HCS for HB 631; SCS for HCS for HB 641; SS No. 2 for HB 648; SCS for HB 661; SS for SCS for HCS for HB 664; HB 667; HB 675; SCS for HB 737; SCS for HB 798, HB 141, HB 153, HCS for HB 363, HB 415 and HB 813; SCS for HB 1008; and HJR 2, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills and joint resolution would be signed by the President Pro Tem to the end that they may become**

law. No objections being made, the bills and joint resolution were so read by the Secretary and signed by the President Pro Tem.

SIGNING OF CONCURRENT RESOLUTIONS

The President Pro Tem announced that all other business would be suspended and **HCR 37**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, be signed to the end that it shall have the full force and effect of law. No objections being made, the concurrent resolution was read by the Secretary and signed by the President Pro Tem.

JOINT RESOLUTIONS DELIVERED TO THE SECRETARY OF STATE

HCS No. 2 for **SJR 2**, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Secretary of State by the Secretary of the Senate.

BILLS DELIVERED TO THE GOVERNOR

HCS No. 2 for **SB 3**; **SB 36**; **SB 38**; **CCS** for **HCS** for **SB 48**; **SCS** for **SB 54**; **SS** for **SB 55**; **HCS** for **SCS** for **SB 57**; **CCS** for **HCS** for **SB 59**; **HCS** for **SS No. 2** for **SCS** for **SB 62**; **SS** for **SCS** for **SB 65**; **SCS** for **SB 68**; **CCS** for **SS** for **SCS** for **SB 70**; **HCS** for **SB 77**; **CCS** for **SCS** for **SB 81**; **SB 83**; **HCS No. 2** for **SB 96**; **HCS No. 2** for **SB 97**; **SB 101**; **CCS** for **HCS No. 2** for **SCS** for **SB 117**; **HCS** for **SS** for **SB 118**; **HCS** for **SS** for **SCS** for **SB 132**; **CCS** for **HCS** for **SS** for **SB 135**; **HCS** for **SCS** for **SB 163**; **SB 165**; **CCS** for **HCS** for **SB 173**; **SB 180**; **HCS** for **SCS** for **SB 213**; **HCS** for **SB 220**; **CCS** for **HCS** for **SS** for **SB 226**; **SB 237**; **SS** for **SB 238**; **CCS No. 2** for **HCS** for **SB 250**; **CCS** for **HCS** for **SB 282**; **CCS** for **HCS** for **SB 284**; **SS** for **SB 306**; **SS No. 2** for **SCS** for **SB 320**; **HCS** for **SB 325**; **HCS** for **SS** for **SCS** for **SB 351**; **CCS No. 2** for **HCS** for **SCS** for **SB 356**; and **HCS** for **SCS** for **SB 366**, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

CONCURRENT RESOLUTIONS DELIVERED TO THE GOVERNOR

SCR 11, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

MESSAGES FROM THE HOUSE

The following message, reflecting action taken prior to the 6:00 p.m. adjournment, Friday, May 13, 2011, was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 661** and has taken up and passed **SCS** for **HB 661**.

On motion of Senator Mayer, the Senate adjourned pursuant to the Constitution.

PETER KINDER
Lieutenant Governor

TERRY L. SPIELER
Secretary of the Senate

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JOURNAL OF THE SENATE
NINETY-SIXTH GENERAL ASSEMBLY
OF THE
STATE OF MISSOURI
FIRST EXTRA SESSION
OF THE
FIRST REGULAR SESSION

FIRST DAY—TUESDAY, SEPTEMBER 6, 2011

The Senate was called to order in Extra Session by Lieutenant Governor Peter Kinder.

Reverend Carl Gauck offered the following prayer:

Gracious God, it is good to be together with colleagues to deal with serious needs in Missouri. We are mindful of those who suffer from want and anxiety from lack of work and pray we might find ways to encourage and help job development throughout the state. Guide our collective efforts so our work yields good use of industry and commerce, responsive to Your will. All this we ask in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

**COMMUNICATIONS FROM THE
GOVERNOR**

The President laid before the Senate the following proclamation from the Governor, reading of which was waived:

PROCLAMATION

WHEREAS, prudently designed economic development programs accelerate Missouri's economic growth through the creation of a vibrant business climate that attracts new employers to Missouri and encourages existing businesses to expand; and

WHEREAS, the Missouri Science and Innovation Reinvestment Act, Compete Missouri Initiative, data storage centers, recruitment of significant amateur sporting events and the creation of an international export hub to facilitate the expansion of Missouri exports are critical programs that capture Missouri's bold vision and competitive spirit and will spur economic expansion in all corners of this state; and

WHEREAS, economic development programs must include transparency, accountability and return on investment and be implemented in a fiscally prudent manner; and

WHEREAS, economic incentives and tax credit programs must be regularly reviewed to ensure those programs are effective in addressing their purpose and provide appropriate return on investment; and

WHEREAS, implementation of tax credit reform will inject accountability, transparency and result in taxpayer funds being spent in a fiscally effective manner; and

WHEREAS, legislation to modernize Department of Revenue collection measures and a period of tax amnesty will benefit citizens of the State of Missouri and have a positive impact on general revenue; and

WHEREAS, Conference Committee Substitute for House Committee Substitute for Senate Bill No. 282, passed during the First Regular

Session of the Ninety-Sixth General Assembly, would have moved Missouri's Presidential Primary to March, 2012; and

WHEREAS, Conference Committee Substitute for House Committee Substitute for Senate Bill No. 282 was vetoed due to the inclusion of objectionable provisions unrelated to the moving of the date for the Presidential Primary; and

WHEREAS, a March, 2012 Presidential Primary will allow Missouri to remain a crucial state during the presidential nomination process; and

WHEREAS, the First Regular Session of the Ninety-Sixth General Assembly considered but failed to pass legislation that would have transferred supervision and control over the St. Louis Metropolitan Police Department to the City of St. Louis; and

WHEREAS, Article IV, Section 9 of the Missouri Constitution authorizes the Governor on extraordinary occasions to convene the General Assembly by proclamation, wherein he shall state specifically each matter on which action is deemed necessary; and

WHEREAS, the need for economic development legislation, tax credit reform, tax amnesty legislation, enhancement of Department of Revenue collection measures, moving the date of the 2012 Presidential Primary and transitioning the St. Louis Metropolitan Police Department to local control are extraordinary occasions as envisioned by Article IV, Section 9 of the Missouri Constitution.

NOW THEREFORE, on the extraordinary occasions that exist in the state of Missouri:

I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, pursuant to the authority vested in me as Governor by the Constitution of the State of Missouri, do, by this Proclamation, convene the Ninety-Sixth General Assembly of the State of Missouri in the First Extra Session of the First Regular Session; and

I HEREBY call upon the Senators and Representatives of said General Assembly to meet in the State Capitol in the City of Jefferson at the hour of 12:00 p.m., Central Daylight Time, on September 6, 2011; and

I HEREBY state that the action of said General Assembly is deemed necessary concerning each matter specifically designated and limited hereinafter as follows:

- To enact legislation implementing comprehensive reforms to existing tax credit programs that produces substantial savings to the state treasury through the elimination of programs, imposition or lowering of caps, establishment of program sunsets and other reforms that create efficiencies and safeguard the taxpayers' money. This matter is restricted and nothing in this Proclamation should be construed to authorize the enactment of legislation amending the five year limitation on interest costs eligible for issuance of tax credits under section 99.1205.3, RSMo.
- To enact legislation that incentivizes the development of an international air cargo hub at Lambert-St. Louis International Airport through creation of an air export tax credit for freight forwarders not to exceed a total of sixty million dollars over eight years and a real estate development tax credit not to exceed a total of three hundred million dollars over sixteen years for eligible facilities located in "gateway zones," the qualification for which will be confirmed and verified by the Department of Economic Development, and additional accountability, oversight and participation protections.
- To enact the Missouri Science and Innovation Reinvestment Act authorizing the Missouri Technology Corporation to provide grants, loans and investments in science and innovation businesses through use of funding generated by capturing a portion of any new growth in income tax revenue generated by employees working at such new and existing science and innovation businesses in Missouri.
- To enact the Compete Missouri Initiative which streamlines and updates Missouri's training programs to reflect business and workforce needs; consolidates Missouri's business development incentives into a single program with consistent definitions and processes; provides performance-based benefits with broader accessibility for small businesses and businesses in rural areas; provides additional benefits for targeted industries identified by business leaders in Missouri's Strategic Initiative for Economic Growth; provides business retention incentives for companies retaining more than 125 jobs annually; and authorizes establishment of a closing fund for competitive recruitment and retention projects.
- To enact legislation creating incentives for the construction and development of high-tech data centers that allows a high-tech data center making a minimum capital investment of thirty-seven million dollars and creating at least thirty new jobs to be exempt from certain state and local sales taxes on utilities, machinery and equipment used in the operation of the data center and on personal property and materials used in the construction of the data center, with the overall amount of the exemption limited to the positive fiscal impact to taxpayers resulting from the project.
- To enact legislation authorizing tax credits available for sports commissions, convention and visitors bureaus, certain nonprofit organizations, counties, and municipalities to offset expenses incurred in attracting amateur sporting events to the state in an amount not to exceed three million dollars annually; and to authorize a revenue-neutral contribution tax credit for donations to local sports organizations for the purposes of attracting amateur sporting events to the state in an amount not to exceed ten million dollars

annually.

- To enact legislation creating administrative efficiencies and improving the Department of Revenue's ability to collect moneys owed to the State by authorizing the Department of Revenue to: 1) collect, upon referral, debts owed to other state agencies; 2) reduce its expenses associated with providing required notices; 3) recover its collection and administrative costs by retaining one percent of the amount of any local sales or use tax collected by the Department; 4) enter into a reciprocal collection and offset of indebtedness agreement with the federal government; 5) issue orders directly to debtors' employers or other sources of income to facilitate the execution of administrative judgments; and 6) issue statements indicating that no taxes or fees, for which the Department is responsible for collecting, are due, as a prerequisite for payment of certain claims or judgments from the state legal expense fund.
- To enact legislation authorizing the Department of Revenue to grant amnesty to taxpayers from the assessment or payment of penalties, additions to tax, and interest with respect to unpaid income tax and sales tax due and owing that the taxpayer voluntarily reports and pays in full between August 1, 2012 and September 30, 2012.
- To enact legislation authorizing an orderly transition in the governance of the St. Louis Metropolitan Police Department from a board of police commissioners to the City of St. Louis through a process that provides for equitable employment treatment for commissioned and civilian personnel.
- To enact legislation moving Missouri's Presidential Primary to the first Tuesday after the first Monday in March of each presidential election year.
- To allow the Senate to consider appointments to boards, commissions, departments, and divisions that require advice and consent of the Senate.

Such additional and other matters as may be recommended by the Governor by special message to the General Assembly after it shall have been convened.

Seal

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 22nd day of August, 2011.

/s/ Jeremiah W. (Jay) Nixon
Governor

ATTEST:

/s/ Robin Carnahan
Secretary of State

The following Senators were present during the day's proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Kehoe—1

Vacancies—None

The Lieutenant Governor was present.

Senator Dempsey announced that photographers from the Associated Press, KSDK-TV, KOMU-TV, KRCG-TV and KTVI-TV were given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

Senator Dempsey offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1

BE IT RESOLVED by the Senate of the Ninety-sixth General Assembly, First Regular Session, that the Secretary of Senate inform the House of Representatives that the Senate is duly convened in the First Extra Session of the First Regular Session and is ready for consideration of its business.

Senator Pearce assumed the Chair.

Senator Stouffer assumed the Chair.

Senator Dempsey offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 2

BE IT RESOLVED by the Senate of the Ninety-sixth General Assembly, that the rules of the Senate, as adopted by the Ninety-sixth General Assembly, First Regular Session, be declared the rules of the First Extra Session of the First Regular Session.

Senator Crowell offered Senate Resolution No. 3, regarding the Forty-fifth Wedding Anniversary of Mr. and Mrs. Allen Wachter, Jackson, which was adopted.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
September 6, 2011

TO THE SENATE AND HOUSE OF REPRESENTATIVES
OF THE NINETY-SIXTH GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I am enclosing a Special Message to all members of the General Assembly. Please read the enclosed message during the Special Session.

Sincerely,
Jeremiah W. (Jay) Nixon
Governor

SPECIAL MESSAGE

WHEREAS, by my Proclamation dated August 22, 2011, I convened the Ninety-Sixth General Assembly of the State of Missouri in the First Extra Session of the First Regular Session; and

WHEREAS, Senate Committee Substitute for Senate Bill No. 54, relating to protecting children from sexual offenders, was passed during the First Regular Session of the Ninety-Sixth General Assembly; and

WHEREAS, significant confusion and concern has been raised regarding provisions contained in Senate Committee Substitute for Senate Bill No. 54 that limit electronic communications between teachers and students; and

WHEREAS, it is important that teachers and school district staff have the ability to appropriately communicate with their students without fear and uncertainty as to the application of the legal restrictions contained in Senate Committee Substitute for Senate Bill No. 54; and

WHEREAS, the State of Missouri has been affected by numerous natural disasters during 2011; and

WHEREAS, these natural disasters have destroyed numerous businesses in Joplin and elsewhere across this state; and

WHEREAS, counties are currently authorized to provide property tax relief for residential property destroyed by a natural disaster; and

WHEREAS, counties are not authorized under current law to provide similar property tax relief to commercial property destroyed by a natural disaster, thereby imposing a significant financial hardship to businesses attempting to rebuild and recover in the aftermath of a disaster; and

WHEREAS, affording counties the authority to extend property tax relief to commercial property destroyed by a natural disaster will provide much needed assistance to those business owners affected by disasters; and

WHEREAS, the need to repeal certain provisions contained in Senate Committee Substitute for Senate Bill No. 54 passed during the First Regular Session of the Ninety-Sixth General Assembly relating to electronic communications between teachers and students and to enact property tax relief for commercial property destroyed by a natural disaster are extraordinary occasions as envisioned by Article IV, Section 9 of the Missouri Constitution.

NOW, THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, pursuant to the authority vested in me as Governor by the Constitution of the State of Missouri, do hereby amend the matters specifically designated and limited for consideration by the General Assembly in my August 22, 2011 Proclamation to add to those matters the following additional specifically designated and limited matters. The additional specifically designated and limited matters on which the action of the General Assembly is deemed necessary are as follows:

- To enact legislation repealing subsections 162.069.1 through 162.069.4, RSMo. This matter is limited to the repeal of subsections 162.069.1 through 162.069.4, RSMo, and should not be construed to allow or permit amendments to those subsections or to otherwise enact revised or new language in place thereof.
- To enact legislation establishing a mechanism for commercial property to be removed on a pro rata basis from the tax book if such commercial property is destroyed by a natural disaster and is unusable for commercial activity due to such destruction.

Seal

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 6th day of September, 2011.

/s/ Jeremiah W. (Jay) Nixon
Governor

ATTEST:

/s/ Robin Carnahan
Secretary of State

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1—By Cunningham.

An Act to repeal section 162.069, RSMo, and to enact in lieu thereof one new section relating to communications between school district employees and students.

SB 2—By Purgason.

An Act to repeal sections 32.115, 99.1205, 100.286, 100.297, 100.850, 135.010, 135.025, 135.030, 135.090, 135.155, 135.313, 135.326, 135.327, 135.350, 135.352, 135.460, 135.484, 135.490, 135.535, 135.550, 135.562, 135.575, 135.600, 135.630, 135.647, 135.679, 135.700, 135.815, 135.825, 135.950, 135.973, 135.1150, 143.119, 144.054, 178.760, 178.761, 178.762, 178.763, 178.764, 178.892, 178.893, 178.894, 178.895, 178.896, 196.1109, 196.1115, 208.770, 253.545, 253.550, 253.557, 253.559, 348.251, 348.253, 348.256, 348.261, 348.262, 348.263, 348.264, 348.271, 348.300, 348.430, 348.432, 348.434, 348.500, 348.505, 447.708, 620.470, 620.472, 620.474, 620.475, 620.476, 620.478, 620.479, 620.480, 620.481, 620.482, 620.495, 620.1878, 620.1881, and 660.055, RSMo, and to enact in lieu thereof eighty new sections relating to taxation, with penalty provisions and an emergency clause.

SB 3—By Purgason.

An Act to repeal sections 32.115, 99.975, 100.286, 100.297, 135.030, 135.090, 135.313, 135.326, 135.327, 135.350, 135.352, 135.460, 135.484, 135.490, 135.535, 135.550, 135.562, 135.575, 135.600, 135.630, 135.647, 135.679, 135.700, 135.802, 135.815, 135.825, 135.1150, 143.119, 144.054, 178.760, 178.761, 178.762, 178.763, 178.764, 178.892, 178.893, 178.894, 178.895, 178.896, 196.1109, 196.1115, 208.770, 215.020, 215.030, 215.033, 215.034, 253.545, 253.550, 253.557, 253.559, 348.251, 348.253, 348.256, 348.261, 348.262, 348.263, 348.264, 348.271, 348.275, 348.300, 348.430, 348.432, 348.434, 348.500, 348.505, 447.708, 620.470, 620.472, 620.474, 620.475, 620.476, 620.478, 620.479, 620.480, 620.481, 620.482, 620.495, and 660.055, RSMo, and to enact in lieu thereof seventy-eight new sections relating to taxation, with penalty provisions and an emergency clause.

SB 4—By Kraus.

An Act to repeal sections 620.1878 and 620.1881, RSMo, and to enact in lieu thereof two new sections relating to the Missouri quality jobs act.

On motion of Senator Dempsey, the Senate recessed until 5:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Pearce.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

September 6, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 13, 2011, while the Senate was not in session.

James T. Blair IV, Republican, 49 Manderleigh Estates Court, Frontenac, Saint Louis County, Missouri 63131, as a member of the Conservation Commission, for a term ending June 30, 2017, and until his successor is duly appointed and qualified; vice, William F. McGeehan, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

September 6, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 10, 2011, while the Senate was not in session.

Katherine Suzanne Bradley, Republican, 2 Country Club Road, Saint Joseph, Andrew County, Missouri 64505, as a member of the

Missouri Gaming Commission, for a term ending April 29, 2014, and until her successor is duly appointed and qualified; vice, Noel Shull, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

September 6, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 10, 2011, while the Senate was not in session.

Erin Burlison-Huss, 1221 Cypress Point Drive, O'Fallon, Saint Charles County, Missouri 63366, as a member of the Missouri Consolidated Health Care Plan Board of Trustees, for a term ending December 31, 2012, and until her successor is duly appointed and qualified; vice, Carla Owens Braziel, resigned.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

September 6, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 10, 2011, while the Senate was not in session.

Curtis Chick, Democrat, 1902 Sun Meadow, Jefferson City, Cole County, Missouri 65109, as a member of the Labor and Industrial Relations Commission, for a term ending July 27, 2014, and until his successor is duly appointed and qualified; vice, John Hickey, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

September 6, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July

11, 2011, while the Senate was not in session.

Timothy R. Cisar, 370 Palmer Drive, Lake Ozark, Camden County, Missouri 65049, as a member of the Crime Laboratory Review Commission, for a term ending April 1, 2013, and until his successor is duly appointed and qualified; vice, RSMo 650.059.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

September 6, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 11, 2011, while the Senate was not in session.

Thelma Crawford, Democrat, 4701 North Holly Court, Kansas City, Clay County, Missouri 64116, as a member of the Clay County Board of Election Commissioners, for a term ending June 15, 2015, and until her successor is duly appointed and qualified; vice, Susan Jones, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

September 6, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 8, 2011, while the Senate was not in session.

Francis Dorrel, Republican, 215 West Edwards, Maryville, Nodaway County, Missouri 64468, as a member of the Northwest Missouri State University Board of Regents, for a term ending January 1, 2017, and until his successor is duly appointed and qualified; vice, Rachelle R. Brown, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

September 6, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June

1, 2011, while the Senate was not in session.

Linda Duffy, Republican, 1811 Woodrail Avenue, Columbia, Boone County, Missouri 65203, as a member of the Missouri Community Service Commission, for a term ending December 15, 2013, and until her successor is duly appointed and qualified; vice, Linda Duffy, reappointed.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

September 6, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2011, while the Senate was not in session.

Constance Gully, 803 Bermuda Drive, Normandy, Saint Louis County, Missouri 63121, as a member of the Bi-State Development Agency of the Missouri-Illinois Metropolitan District, for a term ending November 11, 2013, and until her successor is duly appointed and qualified; vice, Richard LaBore, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

September 6, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 11, 2011, while the Senate was not in session.

Jennifer Gundy, 21371 Infantry Road, Walker, Vernon County, Missouri 64790, as a member of the Missouri Quality Home Care Council, for a term ending March 1, 2014, and until her successor is duly appointed and qualified; vice, Richard L. Blakley, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

September 6, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 19, 2011, while the Senate was not in session.

Pamela Q. Henrickson, Republican, 416 Schellridge Road, Jefferson City, Cole County, Missouri 65109, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2017, and until her successor is duly appointed and qualified; vice, John Douglas Russell, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
September 6, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2011, while the Senate was not in session.

David Herman, 233 Braeshire Drive, Ballwin, St. Louis County, Missouri 63021, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2013, and until his successor is duly appointed and qualified; vice, Steven Rothert, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
September 6, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 11, 2011, while the Senate was not in session.

Le Greta Hudson, Democrat, 106 McKee Hitt Street, Columbia, Boone County, Missouri 65211, as a member of the State Committee of Dietitians, for a term ending June 11, 2013, and until her successor is duly appointed and qualified; vice, Dixie L. Greer, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
September 6, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 29, 2011, while the Senate was not in session.

Joseph Hunt, Democrat, 7500 Bull Run Drive, Saint Louis, Saint Louis County, Missouri 63123, as a member of the State Highways and

Transportation Commission, for a term ending March 1, 2017, and until his successor is duly appointed and qualified; vice, David Gach, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

September 6, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 10, 2011, while the Senate was not in session.

Christopher Maglio, 24169 State Highway F, Kirksville, Adair County, Missouri 63501, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2013, and until his successor is duly appointed and qualified; vice, Ryan N. Espenschied, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

September 6, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 11, 2011, while the Senate was not in session.

Shirley Patterson, 4202 Brentwood Drive, Columbia, Boone County, Missouri 65203, as a member of the Coordinating Board for Early Childhood, for a term ending at the pleasure of the Governor and until her successor is duly appointed and qualified; vice, RSMo 210.102.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

September 6, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 29, 2011, while the Senate was not in session.

Stephen Roling, 11920 Summit, Kansas City, Jackson County, Missouri 64145, as a member of the Mental Health Commission, for a term ending June 28, 2013, and until his successor is duly appointed and qualified; vice, Ron Dittimore, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

September 6, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 29, 2011, while the Senate was not in session.

Kelly Schultz, 10455 East Mexico Gravel, Columbia, Boone County, Missouri 65202, as The Missouri Child Advocate in the Office of Child Advocate for Children's Protection and Services, for a term ending December 7, 2016, and until her successor is duly appointed and qualified; vice, Stephen Morrow, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

September 6, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2011, while the Senate was not in session.

Debra Stenger, 1328 Village View Court, Saint Paul, Saint Charles County, Missouri 63366, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2015, and until her successor is duly appointed and qualified; vice, James Asahl, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

September 6, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 5, 2011, while the Senate was not in session.

Charles Surface, Republican, 2401 West 29th, Joplin, Jasper County, Missouri 64804, as a member of the Missouri Southern State University Board of Governors, for a term ending August 30, 2016, and until his successor is duly appointed and qualified; vice, Charles McGinty, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

September 6, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2011, while the Senate was not in session.

Craig Van Matre, Democrat, 450 Covered Bridge Road, Columbia, Boone County, Missouri 65203, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2013, and until his successor is duly appointed and qualified; vice, Buford Fraser, resigned.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

September 6, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 29, 2011, while the Senate was not in session.

Wallis Warren, Democrat, 2671 Jefferiesburg Road, Beaufort, Franklin County, Missouri 63013, as a member of the Clean Water Commission of the State of Missouri, for a term ending April 12, 2014, and until her successor is duly appointed and qualified; vice, Frank Shorney, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

September 6, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 29, 2011, while the Senate was not in session.

Dennis Wood, Republican, 284 Lillian Lane, Kimberling City, Stone County, Missouri 65686, as a member of the Clean Water Commission of the State of Missouri, for a term ending April 12, 2014, and until his successor is duly appointed and qualified; vice, Ronald Hardecke, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 5—By Schaaf.

An Act to amend chapters 67 and 144, RSMo, by adding thereto two new sections relating to data

storage centers.

SB 6—By Schaaf.

An Act to repeal sections 196.1109, 196.1115, 348.251, 348.256, 348.261, 348.262, 348.263, 348.264, 348.271, and 348.300, RSMo, and to enact in lieu thereof fourteen new sections relating to science and innovation.

SB 7—By Mayer.

An Act to repeal sections 196.1109, 196.1115, 348.251, 348.256, 348.261, 348.262, 348.263, 348.264, 348.271, and 348.300, RSMo, and to enact in lieu thereof fourteen new sections relating to science and innovation.

SB 8—By Mayer.

An Act to repeal sections 32.115, 100.286, 100.297, 135.010, 135.025, 135.030, 135.090, 135.313, 135.326, 135.327, 135.350, 135.352, 135.460, 135.484, 135.490, 135.535, 135.550, 135.562, 135.575, 135.600, 135.630, 135.647, 135.679, 135.700, 135.815, 135.825, 135.950, 135.973, 135.1150, 143.119, 144.054, 144.062, 178.760, 178.761, 178.762, 178.763, 178.764, 178.892, 178.893, 178.894, 178.895, 178.896, 196.1109, 196.1115, 208.770, 253.545, 253.550, 253.557, 253.559, 348.251, 348.253, 348.256, 348.261, 348.262, 348.263, 348.264, 348.271, 348.300, 348.430, 348.432, 348.434, 348.500, 348.505, 447.708, 620.470, 620.472, 620.474, 620.475, 620.476, 620.478, 620.479, 620.480, 620.481, 620.482, 620.495, and 660.055, RSMo, and to enact in lieu thereof eighty-two new sections relating to taxation, with penalty provisions and an emergency clause.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

SECOND DAY—WEDNESDAY, SEPTEMBER 7, 2011

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Cunningham

SB 2-Purgason

SB 3-Purgason

SB 4-Kraus

SB 5-Schaaf

SB 6-Schaaf

SB 7-Mayer

SB 8-Mayer

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Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

SECOND DAY—WEDNESDAY, SEPTEMBER 7, 2011

The Senate met pursuant to adjournment.

Senator Rupp in the Chair.

Reverend Carl Gauck offered the following prayer:

Lord, the challenges keep coming and we pray we are up to the needs that present themselves this day. Help us be mindful of the effort that we need to put forward so we address all that is before us. Let Your Holy Spirit move our hearts and minds that barriers that cause division might give way to unity of effort and the best results for all Your children who stand in need of Your help and grace. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Dempsey announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

RESOLUTIONS

Senator Richard offered Senate Resolution No. 4, regarding the One Hundred Second Birthday of

Mamie Creighton, Joplin, which was adopted.

Senator Richard offered Senate Resolution No. 5, regarding the Sixtieth Birthday of Susan Ramsour, Joplin, which was adopted.

Senator Richard offered Senate Resolution No. 6, regarding Freeman Health System and the Ozark Center, Joplin, which was adopted.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 1—Education.

SB 2—Jobs, Economic Development and Local Government.

SB 3—Jobs, Economic Development and Local Government.

SB 4—Jobs, Economic Development and Local Government.

SB 5—Jobs, Economic Development and Local Government.

SB 6—Jobs, Economic Development and Local Government.

SB 7—Jobs, Economic Development and Local Government.

SB 8—Jobs, Economic Development and Local Government.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and ordered printed:

SB 9—By Justus.

An Act to repeal sections 196.1109, 196.1115, 348.251, 348.256, 348.261, 348.262, 348.263, 348.264, 348.271, and 348.300, RSMo, and to enact in lieu thereof fourteen new sections relating to science and innovation.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

September 6, 2011

To the Senate of the 96th General Assembly of the State of Missouri

I hereby withdraw from you consideration the following appointments to office submitted to you on September 6, 2011 for your advice and consent:

James T. Blair IV, Republican, 49 Manderleigh Estates Court, Frontenac, Saint Louis County, Missouri 63131, as a member of the Conservation Commission, for a term ending June 30, 2017, and until his successor is duly appointed and qualified; vice, William F. McGeehan, term expired.

Katherine Suzanne Bradley, Republican, 2 Country Club Road, Saint Joseph, Andrew County, Missouri 64505, as a member of the Missouri Gaming Commission, for a term ending April 29, 2014, and until her successor is duly appointed and qualified; vice, Noel Shull, term expired.

Erin Burlison-Huss, 1221 Cypress Point Drive, O'Fallon, Saint Charles County, Missouri 63366, as a member of the Missouri Consolidated Health Care Plan Board of Trustees, for a term ending December 31, 2012, and until her successor is duly appointed and qualified; vice, Carla Owens Braziel, resigned.

Curtis Chick, Democrat, 1902 Sun Meadow, Jefferson City, Cole County, Missouri 65109, as a member of the Labor and Industrial Relations Commission, for a term ending July 27, 2014, and until his successor is duly appointed and qualified; vice, John Hickey, term expired.

Timothy R. Cisar, 370 Palmer Drive, Lake Ozark, Camden County, Missouri 65049, as a member of the Crime Laboratory Review Commission, for a term ending April 1, 2013, and until his successor is duly appointed and qualified; vice, RSMo 650.059.

Thelma Crawford, Democrat, 4701 North Holly Court, Kansas City, Clay County, Missouri 64116, as a member of the Clay County Board of Election Commissioners, for a term ending June 15, 2015, and until her successor is duly appointed and qualified; vice, Susan Jones, term expired.

Francis Dorrel, Republican, 215 West Edwards, Maryville, Nodaway County, Missouri 64468, as a member of the Northwest Missouri State University Board of Regents, for a term ending January 1, 2017, and until his successor is duly appointed and qualified; vice, Rachelle R. Brown, term expired.

Linda Duffy, Republican, 1811 Woodrail Avenue, Columbia, Boone County, Missouri 65203, as a member of the Missouri Community Service Commission, for a term ending December 15, 2013, and until her successor is duly appointed and qualified; vice, Linda Duffy, reappointed.

Constance Gully, 803 Bermuda Drive, Normandy, Saint Louis County, Missouri 63121, as a member of the Bi-State Development Agency of the Missouri-Illinois Metropolitan District, for a term ending November 11, 2013, and until her successor is duly appointed and qualified; vice, Richard LaBore, term expired.

Jennifer Gundy, 21371 Infantry Road, Walker, Vernon County, Missouri 64790, as a member of the Missouri Quality Home Care Council, for a term ending March 1, 2014, and until her successor is duly appointed and qualified; vice, Richard L. Blakley, term expired.

Pamela Q. Henrickson, Republican, 416 Schellridge Road, Jefferson City, Cole County, Missouri 65109, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2017, and until her successor is duly appointed and qualified; vice, John Douglas Russell, term expired.

David Herman, 233 Braeshire Drive, Ballwin, St. Louis County, Missouri 63021, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2013, and until his successor is duly appointed and qualified; vice, Steven Rothert, withdrawn.

Le Greta Hudson, Democrat, 106 McKee Hitt Street, Columbia, Boone County, Missouri 65211, as a member of the State Committee of Dietitians, for a term ending June 11, 2013, and until her successor is duly appointed and qualified; vice, Dixie L. Greer, term expired.

Joseph Hunt, Democrat, 7500 Bull Run Drive, Saint Louis, Saint Louis County, Missouri 63123, as a member of the State Highways and Transportation Commission, for a term ending March 1, 2017, and until his successor is duly appointed and qualified; vice, David Gach, term expired.

Christopher Maglio, 24169 State Highway F, Kirksville, Adair County, Missouri 63501, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2013, and until his successor is duly appointed and qualified; vice, Ryan N. Espenschied, term expired.

Shirley Patterson, 4202 Brentwood Drive, Columbia, Boone County, Missouri 65203, as a member of the Coordinating Board for Early Childhood, for a term ending at the pleasure of the Governor and until her successor is duly appointed and qualified; vice, RSMo 210.102.

Stephen Roling, 11920 Summit, Kansas City, Jackson County, Missouri 64145, as a member of the Mental Health Commission, for a term ending June 28, 2013, and until his successor is duly appointed and qualified; vice, Ron Dittmore, withdrawn.

Kelly Schultz, 10455 East Mexico Gravel, Columbia, Boone County, Missouri 65202, as The Missouri Child Advocate in the Office of Child Advocate for Children's Protection and Services, for a term ending December 7, 2016, and until her successor is duly appointed and qualified; vice, Stephen Morrow, term expired.

Debra Stenger, 1328 Village View Court, Saint Paul, Saint Charles County, Missouri 63366, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2015, and until her successor is duly appointed and qualified; vice, James Asahl, term expired.

Charles Surface, Republican, 2401 West 29th, Joplin, Jasper County, Missouri 64804, as a member of the Missouri Southern State University Board of Governors, for a term ending August 30, 2016, and until his successor is duly appointed and qualified; vice, Charles McGinty, term expired.

Craig Van Matre, Democrat, 450 Covered Bridge Road, Columbia, Boone County, Missouri 65203, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2013, and until his successor is duly appointed and qualified; vice, Buford Fraser, resigned.

Wallis Warren, Democrat, 2671 Jefferiesburg Road, Beaufort, Franklin County, Missouri 63013, as a member of the Clean Water Commission of the State of Missouri, for a term ending April 12, 2014, and until her successor is duly appointed and qualified; vice, Frank Shorney, term expired.

Dennis Wood, Republican, 284 Lillian Lane, Kimberling City, Stone County, Missouri 65686, as a member of the Clean Water Commission of the State of Missouri, for a term ending April 12, 2014, and until his successor is duly appointed and qualified; vice, Ronald Hardecke, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Mayer moved that the above appointments be returned to the Governor per his request, which motion prevailed.

On motion of Senator Dempsey, the Senate recessed until 9:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Mayer.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 7, regarding Jeffrey L. Colyer, Cape Girardeau, which was adopted.

Senator Brown offered Senate Resolution No. 8, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Don Sidwell, Rolla, which was adopted.

Senator Lager offered Senate Resolution No. 9, regarding Michael L. Kemna, Chillicothe, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Schmitt, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 8**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 7**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

A quorum was established by the following vote:

Present—Senators

Brown	Callahan	Crowell	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Justus	Keaveny	Kehoe	Lager	Mayer	McKenna	Parson
Richard	Schmitt	Wright-Jones—19					

Absent—Senators—None

Absent with leave—Senators

Chappelle-Nadal	Green	Kraus	Lamping	Lembke	Munzlinger	Nieves	Pearce
Purgason	Ridgeway	Rupp	Schaaf	Schaefer	Stouffer	Wasson—15	

Vacancies—None

INTRODUCTIONS OF GUESTS

Senator Engler introduced to the Senate, members of the Model T Ford Club.

On motion of Senator Dempsey, the Senate adjourned until 9:00 a.m., Thursday, September 8, 2011.

SENATE CALENDAR

THIRD DAY—THURSDAY, SEPTEMBER 8, 2011

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 9-Justus

SENATE BILLS FOR PERFECTION

SB 8-Mayer, with SCS

SB 7-Mayer, with SCS

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Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

THIRD DAY—THURSDAY, SEPTEMBER 8, 2011

The Senate met pursuant to adjournment.

Senator Stouffer in the Chair.

Reverend Carl Gauck offered the following prayer:

Lord Almighty, You are our strength and hope. We join Your people of the United States, who this weekend turn to You once again in prayer, remembering 9/11 a decade ago. We petition You at this time trusting Your mercy and love in asking for Your guidance to face squarely the threats to peace and security of this land and to grant us the commitment and devotion to serve You and our people throughout this land. Help us to meet the challenges and responsibilities of this new day seeking to do Your will as we remember all those who have fallen and died in You. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Dempsey announced that photographers from Missouri News Horizon, KRCG-TV and KTVI-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

RESOLUTIONS

Senator Kehoe offered Senate Resolution No. 10, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jerome Winthorst, Jefferson City, which was adopted.

Senator Lamping offered Senate Resolution No. 11, regarding Scott Barthelmass, Overland, which was adopted.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and ordered printed:

SB 10—By Schaaf.

An Act to repeal sections 144.062 and 197.315, RSMo, and to enact in lieu thereof seven new sections relating to economic competitiveness, with an emergency clause.

President Pro Tem Mayer assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Pearce, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 1**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Stouffer assumed the Chair.

SECOND READING OF SENATE BILLS

The following Bill was read the 2nd time and referred to the Committee indicated:

SB 9—Jobs, Economic Development and Local Government.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and ordered printed:

SB 11—By Chappelle-Nadal.

An Act to amend chapter 37, RSMo, by adding thereto one new section relating to minority and women's business enterprises, with an expiration date.

On motion of Senator Dempsey, the Senate adjourned until 3:00 p.m., Friday, September 9, 2011.

SENATE CALENDAR

FOURTH DAY—FRIDAY, SEPTEMBER 9, 2011

FORMAL CALENDAR**SECOND READING OF SENATE BILLS**

SB 10-Schaaf

SB 11-Chappelle-Nadal

SENATE BILLS FOR PERFECTION

SB 8-Mayer, with SCS
SB 7-Mayer, with SCS

SB 1-Cunningham, with SCS

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Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

FOURTH DAY—FRIDAY, SEPTEMBER 9, 2011

The Senate met pursuant to adjournment.

Senator Kehoe in the Chair.

RESOLUTIONS

On behalf of Senator Purgason, Senator Kehoe offered Senate Resolution No. 12, regarding the One Hundredth Birthday of Ola Mae Goodwine, Mountain Grove, which was adopted.

On behalf of Senator Richard, Senator Kehoe offered Senate Resolution No. 13, regarding the Twentieth Anniversary of Sign Designs, Joplin, which was adopted.

On behalf of Senator Wasson, Senator Kehoe offered Senate Resolution No. 14, regarding Douglas A. Andrews, Marshfield, which was adopted.

On behalf of Senator Brown, Senator Kehoe offered Senate Resolution No. 15, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Paul Bexten, Rich Fountain, which was adopted.

On behalf of Senator Brown, Senator Kehoe offered Senate Resolution No. 16, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Larry Sensintaffar, Salem, which was adopted.

Senator Kehoe offered Senate Resolution No. 17, regarding Joseph G. Spears, Jefferson City, which was adopted.

On behalf of Senator Brown, Senator Kehoe offered Senate Resolution No. 18, regarding Francis W. Knaebel, Jefferson City, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1**, entitled:

An Act to repeal sections 84.010, 84.220, 86.200, 86.213, and 105.483, RSMo, and to enact in lieu thereof twelve new sections relating to the St. Louis police force, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2**, entitled:

An Act to repeal sections 32.028, 32.087, 99.805, 99.810, 99.835, 99.845, 99.865, 105.716, and 144.083, RSMo, and to enact in lieu thereof twenty new sections relating to collection of state money, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 3**, entitled:

An Act to repeal sections 115.123, 115.755, and 115.761, RSMo, and to enact in lieu thereof two new sections relating to presidential election regulation.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 5**, entitled:

An Act to repeal sections 99.805, 99.810, 99.835, 99.845, and 99.865, RSMo, and to enact in lieu thereof six new sections relating to tax changes for areas affected by natural disasters, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 6**, entitled:

An Act to appropriate money for the purpose of matching Federal Emergency Management Agency expenditures due to natural disasters in the state of Missouri in 2011 for the period ending June 30, 2012.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 7**, entitled:

An Act to amend chapter 21, RSMo, by adding thereto one new section relating to a joint committee on disaster funding.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Kehoe, the Senate adjourned until 4:00 p.m., Monday, September, 12, 2011.

SENATE CALENDAR

FIFTH DAY—MONDAY, SEPTEMBER 12, 2011

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 10-Schaaf

SB 11-Chappelle-Nadal

HOUSE BILLS ON SECOND READING

HB 1-Nasheed and Tilley

HB 2-Flanigan, et al

HCS for HB 3

HCS for HB 5

HB 6-Silvey

HB 7-Silvey

SENATE BILLS FOR PERFECTION

SB 8-Mayer, with SCS

SB 7-Mayer, with SCS

SB 1-Cunningham, with SCS

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Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

FIFTH DAY—MONDAY, SEPTEMBER 12, 2011

The Senate met pursuant to adjournment.

Senator Rupp in the Chair.

Reverend Carl Gauck offered the following prayer:

“This is the day the Lord has made; let us rejoice and be glad in it.” (Psalm 118:24)

Gracious God, we are truly glad and see ourselves blessed that these days are so wonderful after summer’s awful heat and devastating storms. We rejoice that the beauty of each day doesn’t escape our notice and we embrace this time of year for the work we can accomplish and yet be refreshed in it. As we spend time in this chamber, let us still be aware of Your creation and do all we can so others less fortunate may also have reason to rejoice. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journals for Thursday, September 8, 2011 and Friday, September 9, 2011 were read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

RESOLUTIONS

Senator Kraus offered Senate Resolution No. 19, regarding Kristen Merrell, Lee's Summit, which was adopted.

Senator Kraus offered Senate Resolution No. 20, regarding Danny and Dottie Hughes, Oak Grove, which was adopted.

Senator Kraus offered Senate Resolution No. 21, regarding Steve Mokosak, which was adopted.

Senator Kraus offered Senate Resolution No. 22, regarding Dr. Emmanuel Ngomsi, which was adopted.

Senator Kraus offered Senate Resolution No. 23, regarding F. Mark Hissong, which was adopted.

Senator Crowell offered Senate Resolution No. 24, regarding Peggy Gross, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 25, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Wilmer Lueders, Frohna, which was adopted.

Senator Schaefer offered the following resolution:

SENATE RESOLUTION NO. 26

WHEREAS, on September 8, 2011, President Obama addressed Congress to propose a 447 billion dollar plan to address unemployment, known as the American Jobs Act; and

WHEREAS, in this speech President Obama proposed providing billions of dollars in stimulus funding to state governments without specifying how he intends to pay for the new spending in his proposal; and

WHEREAS, this stimulus funding may be tied to federal mandates and commit the states to spending taxpayer money on policies that the citizens of Missouri oppose; and

WHEREAS, previous federal spending plans intended to stimulate the economy included provisions that committed the states to spending funds after the federal funds ceased; and

WHEREAS, the states need the flexibility to make their own budget decisions, without being penalized by the federal government and without being forced to pay back funds that the states did not choose to take;

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-sixth General Assembly, First Extraordinary Session, believe that the states should have flexibility in making their own budget decisions, and urge the United States Congress, if it adopts the American Jobs Act, to include a provision allowing the states to opt out of the stimulus provisions of the American Jobs Act without being penalized and without being forced to pay back funds that the states did not choose to take; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for each member of Missouri's congressional delegation.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 1—Financial and Governmental Organizations and Elections.

HB 2—Ways and Means and Fiscal Oversight.

HCS for HB 3—Financial and Governmental Organizations and Elections.

HCS for HB 5—Ways and Means and Fiscal Oversight.

Senator Dempsey announced that photographers from Missouri News Horizon were given permission to take pictures in the Senate Chamber today.

SENATE BILLS FOR PERFECTION

SB 8, with **SCS**, was placed on the Informal Calendar.

SB 7, with **SCS**, was placed on the Informal Calendar.

Senator Cunningham moved that **SB 1**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 1**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1**

An Act to repeal section 162.069, RSMo, and to enact in lieu thereof one new section relating to communications between school district employees and students.

Was taken up.

Senator Cunningham moved that **SCS** for **SB 1** be adopted, which motion prevailed.

On motion of Senator Cunningham, **SCS** for **SB 1** was declared perfected and ordered printed.

INTRODUCTIONS OF GUESTS

Senator Cunningham introduced to the Senate, Jessica Wallace, Eureka.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTH DAY—TUESDAY, SEPTEMBER 13, 2011

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 10-Schaaf

SB 11-Chappelle-Nadal

HOUSE BILLS ON SECOND READING

HB 6-Silvey

HB 7-Silvey

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 7-Mayer, with SCS

SB 8-Mayer, with SCS

RESOLUTIONS

To be Referred

SR 26-Schaefer

✓

Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

SIXTH DAY—TUESDAY, SEPTEMBER 13, 2011

The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

“By the reading of Scripture I am so renewed that all nature seems renewed around me and with me.” (Thomas Merton)

Dear God, Your Word is a gift in itself and in reading it and meditating on it our whole self is refreshed making us capable of accomplishing what is before us. And even though we may differ from one another help us find ways to do what is right and needful so others may benefit from our work. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Wright-Jones offered Senate Resolution No. 27, regarding Dr. John A. Pieper, which was adopted.

Senator Kraus offered the following resolution:

SENATE RESOLUTION NO. 28

WHEREAS, Missouri has a proud history of supporting our military and strengthening our nation; and

WHEREAS, Missouri has provided strategic air support to the nation's military since World War II; and

WHEREAS, Missouri is the home of the Air Force Global Strike Command and our military men and women are at the forefront of United States national air defense; and

WHEREAS, our military personnel and their families deserve the peace of mind that they have an unparalleled multi-role fighter to keep them safe, protect our nation, and secure peace around the world; and

WHEREAS, the F-35 is critical to the modernization of our military because it will replace aging and obsolete aircraft and secure United States air superiority for the next generation; and

WHEREAS, thousands of hard working, highly educated Missourians contribute to the success of Whiteman Air Force Base and the Marine Corp Mobilization Command; and

WHEREAS, these Missourians depend on the economic impact of our military bases to support their jobs and thriving communities; and

WHEREAS, the F-35 generates more than five hundred high technology, high paying jobs for Missouri; and

WHEREAS, the global F-35 Joint Strike Fighter program already provides sustained economic impact to Missouri and its citizens of over thirty-five million dollars annually; and

WHEREAS, the United States Congress is currently reviewing its commitment to the F-35 program and its full funding; and

WHEREAS, the United States and its global partners have invested in the development of the F-35 for more than a decade; and

WHEREAS, our military is currently testing the aircraft and we are on the verge of realizing the return on this long-term investment; and

WHEREAS, to slow production would increase the marginal cost of each aircraft and curb the strategic security and economic benefits of the program:

NOW THEREFORE BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-sixth General Assembly, First Extraordinary Session, hereby urge the United States Congress to recognize the importance of the F-35 to the State of Missouri, our military, and our national security, and support high production and full funding of the F-35 Joint Strike Fighter program; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Missouri Congressional delegation.

REPORTS OF STANDING COMMITTEES

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 1**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

President Pro Tem Mayer assumed the Chair.

Senator Engler, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 1**, begs leave to report that it has considered the same and recommends that the bill do

pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 3**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Pearce assumed the Chair.

REFERRALS

President Pro Tem Mayer referred **HB 1** to the Committee on Ways and Means and Fiscal Oversight.

President Pro Tem Mayer referred **SR 26** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

Senator Dempsey announced that photographers from KRCG-TV and Missouri News Horizon were given permission to take pictures in the Senate Chamber today.

On motion of Senator Dempsey, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kinder.

Senator Dempsey announced that photographers from KOMU-TV, KMOV-TV and KTVI-TV were given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

Senator Lembke offered Senate Resolution No. 29, regarding David Carr, Saint Louis, which was adopted.

Senator Keaveny offered Senate Resolution No. 30, regarding the One Hundredth Anniversary of Saint Roch Parish, Saint Louis, which was adopted.

Senator Purgason offered Senate Resolution No. 31, regarding Travis Joseph Kapp, Camdenton, which was adopted.

Senators Justus and Curls offered Senate Resolution No. 32, regarding Kansas City Police Chief James D. Corwin, which was adopted.

Senator Kraus offered Senate Resolution No. 33, regarding David Scott Hedger, which was adopted.

Senator Parson offered Senate Resolution No. 34, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Henry C. Saddler, Sedalia, which was adopted.

Senator Parson offered Senate Resolution No. 35, regarding the Seventy-first Wedding Anniversary of Mr. and Mrs. Marvin W. Speiser, Pittsburg, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Mayer moved that **SB 8**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 8**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 8**

An Act to repeal sections 32.115, 100.286, 100.297, 135.030, 135.090, 135.313, 135.326, 135.327, 135.350, 135.352, 135.460, 135.484, 135.490, 135.535, 135.550, 135.562, 135.575, 135.600, 135.630, 135.647, 135.679, 135.700, 135.815, 135.825, 135.950, 135.973, 135.1150, 143.119, 144.054, 144.062, 178.760, 178.761, 178.762, 178.763, 178.764, 178.892, 178.893, 178.894, 178.895, 178.896, 196.1109, 196.1115, 208.770, 253.545, 253.550, 253.557, 253.559, 348.251, 348.253, 348.256, 348.261, 348.262, 348.263, 348.264, 348.271, 348.300, 348.430, 348.432, 348.434, 348.500, 348.505, 447.708, 620.470, 620.472, 620.474, 620.475, 620.476, 620.478, 620.479, 620.480, 620.481, 620.482, 620.495, and 660.055, RSMo, and to enact in lieu thereof eighty new sections relating to taxation, with penalty provisions and an emergency clause.

Was taken up.

Senator Mayer moved that **SCS** for **SB 8** be adopted.

Senator Mayer offered **SS** for **SCS** for **SB 8**, entitled:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 8**

An Act to repeal sections 32.115, 100.286, 100.297, 135.010, 135.025, 135.030, 135.090, 135.313, 135.326, 135.327, 135.350, 135.352, 135.460, 135.484, 135.490, 135.535, 135.550, 135.562, 135.575, 135.600, 135.630, 135.647, 135.679, 135.700, 135.815, 135.825, 135.1150, 143.119, 178.760, 178.761, 178.762, 178.763, 178.764, 178.892, 178.893, 178.894, 178.895, 178.896, 208.770, 253.550, 253.557, 253.559, 348.430, 348.432, 348.434, 348.500, 348.505, 447.708, 620.470, 620.472, 620.474, 620.475, 620.476, 620.478, 620.479, 620.480, 620.481, 620.482, 620.495, and 660.055, RSMo, and to enact in lieu thereof fifty-six new sections relating to taxation, with an emergency clause.

Senator Mayer moved that **SS** for **SCS** for **SB 8** be adopted.

Senator Lembke raised the point of order that **SS** for **SCS** for **SB 8** is out of order under the provisions of Senate Rule 57 as it contains more than one subject matter.

The point of order was referred to the President Pro Tem who ruled it not well taken.

Senator Goodman requested unanimous consent of the Senate for the Missouri Working Group on Sentencing and Corrections to meet while the Senate is in session, which request was granted.

Senator Stouffer assumed the Chair.

Senator Schaaf offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 8, Pages 27-32, Section 135.010, by striking all of said section from the bill; and

Further amend said bill, page 32, section 135.025, by striking all of said section from the bill; and

Further amend said bill, pages 32-34, section 135.030, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Schaaf moved that the above amendment be adopted.

Senator Chappelle-Nadal requested a roll call vote be taken on the adoption of **SA 1** and was joined in her request by Senators Curls, Green, Justus and Schaaf.

SA 1 was adopted by the following vote:

YEAS—Senators

Callahan	Chappelle-Nadal	Curls	Dempsey	Goodman	Green	Justus	Keaveny
Lamping	Lembke	McKenna	Nieves	Rupp	Schaaf	Schaefer	Schmitt

Wright-Jones—17

NAYS—Senators

Brown	Crowell	Cunningham	Dixon	Engler	Kehoe	Kraus	Lager
Mayer	Munzlinger	Parson	Pearce	Richard	Ridgeway	Stouffer	Wasson—16

Absent—Senator Purgason—1

Absent with leave—Senators—None

Vacancies—None

Senator Schaaf offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 8, Page 96, Section 135.1500, Lines 1-2, by striking all of said lines from the bill and inserting in lieu thereof the following:

“(2) “Airport”, any airport located within this state;”.

Senator Schaaf moved that the above amendment be adopted, which motion failed.

Senator Green offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 8, Pages 11-17, Section 67.3000, by striking all of said section from the bill; and

Further amend said bill, Pages 17 to 20, Section 67.3005, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion failed.

Senator Richard offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 8, Page 54, Section 135.460, Line 8 of said page, by inserting immediately after said line the following:

“135.478. As used in sections 135.481 to 135.487, the following terms mean:

- (1) “Department”, the department of economic development;
- (2) “Director”, the director of the department of economic development;
- (3) “Distressed community”, as defined in section 135.530;

(4) “Eligible costs for a new residence”, expenses incurred for property acquisition, development, site preparation other than demolition, surveys, architectural and engineering services and construction and all other necessary and incidental expenses incurred for constructing a new market rate residence, which is or will be owner-occupied, which is not replacing a national register listed or local historic structure; except that, costs paid for by the taxpayer with grants or forgivable loans, other than tax credits, provided pursuant to state or federal governmental programs are ineligible;

(5) “Eligible costs for rehabilitation”, expenses incurred for the renovation or rehabilitation of an existing residence including site preparation, surveys, architectural and engineering services, construction, modification, expansion, remodeling, structural alteration, replacements and alterations; except that, costs paid for by the taxpayer with grants or forgivable loans other than tax credits provided pursuant to state or federal governmental programs are ineligible;

(6) “Eligible residence”, a single-family residence forty years of age or older, located in this state and not within a distressed community as defined by section 135.530, which is occupied or intended to be or occupied long-term by the owner or offered for sale at market rate for owner-occupancy and which is either located within a United States census block group which, if in a metropolitan statistical area, has a median household income of less than ninety percent, but greater than or equal to seventy percent of the median household income for the metropolitan statistical area in which the census block group is located, or which, if located within a United States census block group in a nonmetropolitan area, has a median household income of less than ninety percent, but greater than or equal to seventy percent of the median household income for the nonmetropolitan areas in the state, **or which is located within a census block group in which more than fifty percent of the residential structures inside the census block group were destroyed or sustained major damage as the result of a federally declared disaster;**

(7) “Flood plain”, any land or area susceptible to being inundated by water from any source or located in a one hundred-year flood plain area determined by Federal Emergency Management Agency mapping as subject to flooding;

(8) “New residence”, a residence constructed on land which if located within a distressed community has either been vacant for at least two years or is or was occupied by a structure which has been condemned by the local entity in which the structure is located or which, if located outside of a distressed community but within a census block group as described in subdivision (6) or (10) of this section, either replaces a residence forty years of age or older demolished for purposes of constructing a replacement residence, or which is constructed on vacant property which has been classified for not less than forty continuous years as residential or utility, commercial, railroad or other real property pursuant to article X, section 4(b) of the Missouri Constitution, as defined in section 137.016, **or which is constructed within a census block group in which more than fifty percent of the residential structures inside the census block group were destroyed or sustained major damage as the result of a federally declared disaster;** except that, no new residence shall be constructed in a flood plain or on property used for agricultural purposes. In a distressed community, the term “new residence” shall include condominiums, owner-occupied units or other units intended to be owner-occupied in multiple unit structures;

(9) “Project”, new construction, rehabilitation or substantial rehabilitation of a residence that qualifies for a tax credit pursuant to sections 135.475 to 135.487;

(10) “Qualifying residence”, a single-family residence, forty years of age or older, located in this state which is occupied or intended to be occupied long-term by the owner or offered for sale at market rate for owner-occupancy and which is located in a metropolitan statistical area or nonmetropolitan statistical area within a United States census block group which has a median household income of less than seventy percent of the median household income for the metropolitan statistical area or nonmetropolitan area, respectively, or which is located within a distressed community. A qualifying residence shall include a condominium or residence within a multiple residential structure or a structure containing multiple single-family residences which is located within a distressed community;

(11) “Substantial rehabilitation”, rehabilitation the costs of which exceed fifty percent of either the purchase price or the cost basis of the structure immediately prior to rehabilitation; provided that, the structure is at least fifty years old notwithstanding any provision of sections 135.475 to 135.487 to the contrary;

(12) “Tax liability”, the tax due pursuant to chapter 143, 147 or 148, other than taxes withheld pursuant to sections 143.191 to 143.265;

(13) “Taxpayer”, any person, partnership, corporation, trust, limited liability company, or any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143.”; and

Further amend said bill, Page 54, Section 135.484, Line 11 of said page, by inserting an opening bracket “[” immediately before the word “Of”; and further amend Line 15 of said page, by inserting a closing bracket “]” immediately after “135.478.”; and

Further amend said bill and section, Page 55, Line 17, by inserting immediately after the word “contrary,” the following: “**except as otherwise provided under subsection 5 of this section,**”; and further amend line 23 of said page, by inserting after all of said line the following:

“5. (1) By no later than thirty calendar days following the effective date of this act, and the first day of October each year thereafter, the director of the department may provide to the budget committee of the house of representatives and the appropriations committee of the senate a request for an appropriation for tax credits provided under sections 135.475 to 135.487. Appropriations made pursuant to the provisions of this subsection shall provide the amount of tax credits which may be authorized during the fiscal year immediately following the fiscal year in which such appropriation is made. Appropriations provided under this subsection shall only be made in the annual appropriation bill relating to public debt.

(2) There is hereby created in the state treasury the “Neighborhood Preservation Tax Credits for Disaster Relief Fund”, which shall consist of money appropriated under this subsection. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the administration of this subsection. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund for tax credits which have been authorized but not yet redeemed at the end of the fiscal year shall not revert to the credit of the general revenue fund. Any moneys remaining in the fund at the end of the fiscal year for any tax credits which remain unauthorized at the end of the fiscal year shall revert to the credit of the general revenue fund. Provisions of section

32.057 to the contrary notwithstanding, the department of revenue shall notify the department upon redemption of each tax credit authorized under the provisions of this subdivision. Upon such notification, an amount equal to the tax credits redeemed shall be transferred from the fund created in this subdivision to the general revenue fund. In the event the department determines that any tax credit authorized under this subsection is precluded from being redeemed due to contractual agreement entered into by the department and the tax credit applicant or is otherwise precluded by law from being redeemed, an amount equal to such tax credit shall be transferred from the fund created in this subdivision to the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the general revenue fund at the end of each fiscal year.

(3) Tax credits provided under sections 135.475 to 135.487 may, subject to appropriation to the neighborhood preservation tax credits for disaster relief fund, be authorized for projects located within any county declared a disaster area pursuant to federal law at any time during the thirty-six months following the declaration.”; and

Further amend the title and enacting clause accordingly.

Senator Richard moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway assumed the Chair.

Senator Rupp offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 8, Page 84, Section 135.679, Line 10 of said page by inserting immediately after all of said line the following:

“135.680. 1. As used in this section, the following terms shall mean:

(1) “Adjusted purchase price”, the product of:

(a) The amount paid to the issuer of a qualified equity investment for such qualified equity investment; and

(b) The following fraction:

a. The numerator shall be the dollar amount of qualified low-income community investments held by the issuer in this state as of the credit allowance date during the applicable tax year; and

b. The denominator shall be the total dollar amount of qualified low-income community investments held by the issuer in all states as of the credit allowance date during the applicable tax year;

c. For purposes of calculating the amount of qualified low-income community investments held by an issuer, an investment shall be considered held by an issuer even if the investment has been sold or repaid; provided that the issuer reinvests an amount equal to the capital returned to or recovered by the issuer from the original investment, exclusive of any profits realized, in another qualified low-income community investment within twelve months of the receipt of such capital. An issuer shall not be required to reinvest capital returned from qualified low-income community investments after the sixth anniversary of the issuance of the qualified equity investment, the proceeds of which were used to make the qualified low-income community investment, and the qualified low-income community investment shall be considered held by the issuer through the seventh anniversary of the qualified equity investment’s issuance;

(2) “Applicable percentage”, zero percent for each of the first two credit allowance dates, seven percent for the third credit allowance date, and eight percent for the next four credit allowance dates;

(3) “Credit allowance date”, with respect to any qualified equity investment:

(a) The date on which such investment is initially made; and

(b) Each of the six anniversary dates of such date thereafter;

(4) **“Disaster relief area”, an area adversely affected by a tornado, severe thunderstorm, or flooding of the Missouri or Mississippi rivers during the calendar year beginning on or after January 1, 2011, but ending on or before December 31, 2011;**

(5) “Long-term debt security”, any debt instrument issued by a qualified community development entity, at par value or a premium, with an original maturity date of at least seven years from the date of its issuance, with no acceleration of repayment, amortization, or prepayment features prior to its original maturity date, and with no distribution, payment, or interest features related to the profitability of the qualified community development entity or the performance of the qualified community development entity’s investment portfolio. The foregoing shall in no way limit the holder’s ability to accelerate payments on the debt instrument in situations where the issuer has defaulted on covenants designed to ensure compliance with this section or Section 45D of the Internal Revenue Code of 1986, as amended;

[(5)] (6) “Qualified active low-income community business”, the meaning given such term in Section 45D of the Internal Revenue Code of 1986, as amended; provided that any business that derives or projects to derive fifteen percent or more of its annual revenue from the rental or sale of real estate shall not be considered to be a qualified active low-income community business;

[(6)] (7) “Qualified community development entity”, the meaning given such term in Section 45D of the Internal Revenue Code of 1986, as amended; provided that such entity has entered into an allocation agreement with the Community Development Financial Institutions Fund of the U.S. Treasury Department with respect to credits authorized by Section 45D of the Internal Revenue Code of 1986, as amended, which includes the state of Missouri within the service area set forth in such allocation agreement;

[(7)] (8) “Qualified equity investment”, any equity investment in, or long-term debt security issued by, a qualified community development entity that:

(a) Is acquired after September 4, 2007, at its original issuance solely in exchange for cash;

(b) Has at least eighty-five percent of its cash purchase price used by the issuer to make qualified low-income community investments; and

(c) Is designated by the issuer as a qualified equity investment under this subdivision and is certified by the department of economic development as not exceeding the limitation contained in subsection 2 of this section. This term shall include any qualified equity investment that does not meet the provisions of paragraph (a) of this subdivision if such investment was a qualified equity investment in the hands of a prior holder;

[(8)] (9) “Qualified low-income community investment”, any capital or equity investment in, or loan to, any qualified active low-income community business. With respect to any one qualified active low-income community business, the maximum amount of qualified low-income community investments made in such business, on a collective basis with all of its affiliates, that may be used from the calculation of any numerator described in subparagraph a. of paragraph (b) of subdivision (1) of this subsection shall

be ten million dollars whether issued to one or several qualified community development entities;

[(9)] (10) “Tax credit”, a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed in sections 143.191 to 143.265, or otherwise due under section 375.916 or chapter 147, 148, or 153;

[(10)] (11) “Taxpayer”, any individual or entity subject to the tax imposed in chapter 143, excluding withholding tax imposed in sections 143.191 to 143.265, or the tax imposed in section 375.916 or chapter 147, 148, or 153.

2. A taxpayer that makes a qualified equity investment earns a vested right to tax credits under this section. On each credit allowance date of such qualified equity investment the taxpayer, or subsequent holder of the qualified equity investment, shall be entitled to a tax credit during the taxable year including such credit allowance date. The tax credit amount shall be equal to the applicable percentage of the adjusted purchase price paid to the issuer of such qualified equity investment. The amount of the tax credit claimed shall not exceed the amount of the taxpayer’s state tax liability for the tax year for which the tax credit is claimed. No tax credit claimed under this section shall be refundable or transferable. Tax credits earned by a partnership, limited liability company, S-corporation, or other pass-through entity may be allocated to the partners, members, or shareholders of such entity for their direct use in accordance with the provisions of any agreement among such partners, members, or shareholders. Any amount of tax credit that the taxpayer is prohibited by this section from claiming in a taxable year may be carried forward to any of the taxpayer’s five subsequent taxable years. The department of economic development shall limit the monetary amount of qualified equity investments permitted under this section to a level necessary to limit tax credit utilization at no more than twenty-five million dollars of tax credits in any fiscal year. Such limitation on qualified equity investments shall be based on the anticipated utilization of credits without regard to the potential for taxpayers to carry forward tax credits to later tax years.

3. The issuer of the qualified equity investment shall certify to the department of economic development the anticipated dollar amount of such investments to be made in this state during the first twelve-month period following the initial credit allowance date. If on the second credit allowance date, the actual dollar amount of such investments is different than the amount estimated, the department of economic development shall adjust the credits arising on the second allowance date to account for such difference.

4. The department of economic development shall recapture the tax credit allowed under this section with respect to such qualified equity investment under this section if:

(1) Any amount of the federal tax credit available with respect to a qualified equity investment that is eligible for a tax credit under this section is recaptured under Section 45D of the Internal Revenue Code of 1986, as amended; or

(2) The issuer redeems or makes principal repayment with respect to a qualified equity investment prior to the seventh anniversary of the issuance of such qualified equity investment. Any tax credit that is subject to recapture shall be recaptured from the taxpayer that claimed the tax credit on a return.

5. The department of economic development shall promulgate rules to implement the provisions of this section, including recapture provisions on a scaled proportional basis, and to administer the allocation of tax credits issued for qualified equity investments, which shall be conducted on a first-come, first-serve basis. **The department of economic development shall promulgate an emergency rule defining the geographic boundaries of any disaster relief areas immediately following the enactment of this act.**

In lieu of an emergency rule the department may issue a private letter ruling pursuant to section 135.682 when applicable. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after September 4, 2007, shall be invalid and void.

6. For fiscal years following fiscal year 2010, qualified equity investments shall not be made under this section unless reauthorization is made pursuant to this subsection. For all fiscal years following fiscal year 2010, unless the general assembly adopts a concurrent resolution granting authority to the department of economic development to approve qualified equity investments for the Missouri new markets development program and clearly describing the amount of tax credits available for the next fiscal year, or otherwise complies with the provisions of this subsection, no qualified equity investments may be permitted to be made under this section. The amount of available tax credits contained in such a resolution shall not exceed the limitation provided under subsection 2 of this section. In any year in which the provisions of this section shall sunset pursuant to subsection 7 of this section, reauthorization shall be made by general law and not by concurrent resolution. Nothing in this subsection shall preclude a taxpayer who makes a qualified equity investment prior to the expiration of authority to make qualified equity investments from claiming tax credits relating to such qualified equity investment for each applicable credit allowance date **or from reallocating such investment to a qualified active low-income community business located in a disaster relief area.**

7. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after September 4, 2007, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset. However, nothing in this subsection shall preclude a taxpayer who makes a qualified equity investment prior to sunset of this section under the provisions of section 23.253 from claiming tax credits relating to such qualified equity investment for each credit allowance date.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Mayer moved that **SS for SCS for SB 8**, as amended, be adopted, which motion prevailed.

On motion of Senator Mayer, **SS for SCS for SB 8**, as amended, was declared perfected and ordered printed.

Senator Mayer moved that **SB 7**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for SB 7, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 7

An Act to repeal sections 196.1109, 196.1115, 348.251, 348.256, 348.261, 348.262, 348.263, 348.264, 348.271, and 348.300, RSMo, and to enact in lieu thereof fourteen new sections relating to science and innovation.

Was taken up.

Senator Mayer moved that **SCS** for **SB 7** be adopted.

Senator Mayer offered **SS** for **SCS** for **SB 7**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 7

An Act to repeal sections 196.1109, 196.1115, 348.251, 348.253, 348.256, 348.261, 348.262, 348.263, 348.264, 348.271, and 348.300, RSMo, and to enact in lieu thereof fourteen new sections relating to science and innovation, with a contingent effective date.

Senator Mayer moved that **SS** for **SCS** for **SB 7** be adopted.

Senator Richard offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 7, Page 4, Section 196.1115, Lines 13-18, by striking all of said lines and inserting in lieu thereof the following: “expenses **for appropriations equal to or greater than twenty million dollars; three percent for appropriations less than twenty million dollars but equal to or greater than fifteen million dollars; four percent for appropriations less than fifteen million dollars but equal to or greater than ten million dollars; five percent for appropriations less than ten million dollars;** provided, however, that the general assembly”.

Senator Richard moved that the above amendment be adopted, which motion prevailed.

Senator Rupp offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 7, Page 34, Section 348.271, Line 19, by inserting immediately after all of said line the following:

“348.275. 1. **Public funds utilized under the provisions of sections 348.250 to 348.275 shall not be expended, paid, or granted to or on behalf of an existing or proposed research project that involves abortion services, human cloning, or prohibited human research as defined in section 196.1127.**

2. The department of economic development may draft and promulgate rules and regulations consistent with the provisions of sections 348.251 to 348.272 as are necessary or useful to carry out the provisions of those sections.

[2.] 3. No rule or portion of a rule promulgated under the authority of sections 348.251 to 348.272 shall become effective until it has been approved by the joint committee on administrative rules in accordance with the procedures provided in this section, and the delegation of the legislative authority to enact law by the adoption of such rules is dependent upon the power of the joint committee on administrative rules to review and suspend rules pending ratification by the senate and the house of representatives as provided in

this section.

[3.] **4.** Upon filing any proposed rule with the secretary of state, the department shall concurrently submit such proposed rule to the committee, which may hold hearings upon any proposed rule or portion thereof at any time.

[4.] **5.** A final order of rulemaking shall not be filed with the secretary of state until thirty days after such final order of rulemaking has been received by the committee. The committee may hold one or more hearings upon such final order of rulemaking during the thirty-day period. If the committee does not disapprove such order of rulemaking within the thirty-day period, the department may file such order of rulemaking with the secretary of state and the order of rulemaking shall be deemed approved.

[5.] **6.** The committee may, by majority vote of the members, suspend the order of rulemaking or portion thereof by action taken prior to the filing of the final order of rulemaking only for one or more of the following grounds:

- (1) An absence of statutory authority for the proposed rule;
- (2) An emergency relating to public health, safety or welfare;
- (3) The proposed rule is in conflict with state law;
- (4) A substantial change in circumstance since enactment of the law upon which the proposed rule is based.

[6.] **7.** If the committee disapproves any rule or portion thereof, the department shall not file such disapproved portion of any rule with the secretary of state and the secretary of state shall not publish in the Missouri Register any final order of rulemaking containing the disapproved portion.

[7.] **8.** If the committee disapproves any rule or portion thereof, the committee shall report its findings to the senate and the house of representatives. No rule or portion thereof disapproved by the committee shall take effect so long as the senate and the house of representatives ratify the act of the joint committee by resolution adopted in each house within thirty legislative days after such rule or portion thereof has been disapproved by the joint committee.

[8.] **9.** Upon adoption of a rule as provided in this section, any such rule or portion thereof may be suspended or revoked by the general assembly either by bill or, pursuant to section 8, article IV of the Constitution of Missouri, by concurrent resolution upon recommendation of the joint committee on administrative rules. The committee shall be authorized to hold hearings and make recommendations pursuant to the provisions of section 536.037. The secretary of state shall publish in the Missouri Register, as soon as practicable, notice of the suspension or revocation.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted.

Senator Dixon offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 7, Page 26, Section 348.261, Line 19, by inserting after all of said line the following:

“7. At least ten days prior to releasing funds to a recipient of financial assistance pursuant to the powers established in this section, the corporation shall submit to the president pro tem of the senate and the speaker of the house of representatives the name of the recipient of such assistance, and post such information on the corporation’s website.”.

Senator Dixon moved that the above substitute amendment be adopted, which motion prevailed.

Senator Mayer moved that **SS** for **SCS** for **SB 7**, as amended, be adopted, which motion prevailed.

On motion of Senator Mayer, **SS** for **SCS** for **SB 7**, as amended, was declared perfected and ordered printed.

On motion of Senator Dempsey, the Senate recessed until 10:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Mayer.

REPORTS OF STANDING COMMITTEES

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SB 8** and **SS** for **SCS** for **SB 7**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Mayer referred **SS** for **SCS** for **SB 8** to the Committee on Ways and Means and Fiscal Oversight.

INTRODUCTIONS OF GUESTS

Senator Kehoe introduced to the Senate, Debbie Livingston, Administrator Michael Rapp, parents and ninth grade students from Lighthouse Preparatory Academy, Jefferson City.

Senator Rupp introduced to the Senate, Shawn “The Meter Man” Gipperich, O’Fallon.

Senator Rupp introduced to the Senate, his wife, Carissa, St. Charles.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

SEVENTH DAY—WEDNESDAY, SEPTEMBER 14, 2011

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 10-Schaaf

SB 11-Chappelle-Nadal

HOUSE BILLS ON SECOND READING

HB 6-Silvey

HB 7-Silvey

THIRD READING OF SENATE BILLS

SCS for SB 1-Cunningham

SS for SCS for SB 7-Mayer

SS for SCS for SB 8-Mayer (In Fiscal Oversight)

HOUSE BILLS ON THIRD READING

HB 1-Nasheed and Tilley (Keaveny)
(In Fiscal Oversight)

HCS for HB 3 (Engler)

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

SR 28-Kraus

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Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

SEVENTH DAY—WEDNESDAY, SEPTEMBER 14, 2011

The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

“Let us go forth to lead the land we love, asking His blessing and His help, but knowing that here on earth God’s work must truly be our own.” (John F. Kennedy)

Almighty God, You have chosen each of us to serve in this capacity and to lead our people in ways that benefit our laborers and thinkers, teachers and farmers. As we do our best here, with Your guidance, help us to provide bills that touch the needs before us and move them into laws that assist Missourians to move forward and prosper. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Wright-Jones offered Senate Resolution No. 36, regarding Dr. Henry Givens, which was

adopted.

Senator Richard offered Senate Resolution No. 37, regarding the Sixtieth Birthday of Kit Denise Brothers, Joplin, which was adopted.

Senator Richard offered Senate Resolution No. 38, regarding Steven H. “Steve” Holt, Carthage, which was adopted.

Senator Parson offered Senate Resolution No. 39, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Clifford Dwyer, Warsaw, which was adopted.

Senator Brown offered Senate Resolution No. 40, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Max Tucker, Montgomery City, which was adopted.

Senator Brown offered Senate Resolution No. 41, regarding the Thirtieth Anniversary of Rehagen Heating and Cooling, Westphalia, which was adopted.

Senator Dempsey announced that photographers from KOMU-TV, Missouri News Horizon and KRCG-TV had been given permission to take pictures in the Senate Chamber today.

President Pro Tem Mayer assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Purgason, Chairman of the Committee on Ways and Means and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Ways and Means and Fiscal Oversight, to which was referred **HB 2**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Ways and Means and Fiscal Oversight, to which was referred **SS** for **SCS** for **SB 8**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Pearce assumed the Chair.

THIRD READING OF SENATE BILLS

SCS for **SB 1**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1

An Act to repeal section 162.069, RSMo, and to enact in lieu thereof one new section relating to communications between school district employees and students.

Was taken up by Senator Cunningham.

On motion of Senator Cunningham, **SCS** for **SB 1** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Parson	Pearce	Purgason

Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson
Wright-Jones—33							

NAYS—Senators—None

Absent—Senator Nieves—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 8**, introduced by Senator Mayer, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 8

An Act to repeal sections 32.115, 100.286, 100.297, 135.090, 135.313, 135.326, 135.327, 135.350, 135.352, 135.460, 135.478, 135.484, 135.490, 135.535, 135.550, 135.562, 135.575, 135.600, 135.630, 135.647, 135.679, 135.680, 135.700, 135.815, 135.825, 135.1150, 143.119, 178.760, 178.761, 178.762, 178.763, 178.764, 178.892, 178.893, 178.894, 178.895, 178.896, 208.770, 253.550, 253.557, 253.559, 348.430, 348.432, 348.434, 348.500, 348.505, 447.708, 620.470, 620.472, 620.474, 620.475, 620.476, 620.478, 620.479, 620.480, 620.481, 620.482, 620.495, and 660.055, RSMo, and to enact in lieu thereof fifty-five new sections relating to taxation, with an emergency clause.

Was taken up.

Senator Schmitt assumed the Chair.

President Kinder assumed the Chair.

On motion of Senator Mayer, **SS** for **SCS** for **SB 8** was read the 3rd time and passed by the following vote:

YEAS—Senators

Callahan	Chappelle-Nadal	Crowell	Curls	Dempsey	Dixon	Engler	Goodman
Green	Justus	Keaveny	Kehoe	Kraus	Lamping	Mayer	McKenna
Munzlinger	Parson	Pearce	Richard	Ridgeway	Rupp	Schmitt	Stouffer
Wasson Wright-Jones—26							

NAYS—Senators

Brown	Cunningham	Lager	Lembke	Nieves	Purgason	Schaaf	Schaefer—8
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Callahan	Crowell	Curls	Dempsey	Dixon	Engler	Goodman	Green
Justus	Keaveny	Kehoe	Kraus	Lamping	Mayer	McKenna	Munzlinger
Parson	Pearce	Purgason	Richard	Ridgeway	Rupp	Schmitt	Stouffer
Wasson	Wright-Jones—26						

NAYS—Senators

Brown	Chappelle-Nadal	Cunningham	Lager	Lembke	Nieves	Schaaf	Schaefer—8
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

On motion of Senator Dempsey, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Schmitt.

RESOLUTIONS

Senator Curls offered Senate Resolution No. 42, regarding the Eightieth Birthday of Johnnie Ruth Irving, which was adopted.

Senator Munzlinger offered the following resolution:

SENATE RESOLUTION NO. 43

WHEREAS, over the course of the spring and summer of 2011, unprecedented releases of water upstream by the U.S. Army Corps of Engineers have caused extensive pressure on the river levees in the state of Missouri that protect many communities, businesses, and prime agricultural lands; and

WHEREAS, in the face of this tremendous pressure some of Missouri's levees have been intentionally and unintentionally breached, resulting in widespread flooding, which has proved devastating to many Missouri homes, farms, families, and livelihoods; and

WHEREAS, Missouri families have suffered unprecedented losses as a result of this situation and many Missouri farmers have experienced a complete and total loss of agricultural production, resulting in a decimated farm incomes and ravaged local economies; and

WHEREAS, the flood waters have not yet receded in some parts of Missouri and continue to disrupt the lives of hard-working

Missourians; and

WHEREAS, even after the flood waters recede, much work will need to be done to restore the productivity of the damaged agricultural land and repair the ruined homes and businesses; and

WHEREAS, the U.S. Army Corps of Engineers is charged with management of the nation's rivers and flood control is one of the primary purposes for which the rivers are to be managed:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-sixth General Assembly, First Extraordinary Session, hereby strongly urge the U.S. Army Corps of Engineers to manage the rivers in such a way as to avoid the devastating flooding disasters that have occurred this year and also strongly urge the U.S. Army Corps of Engineers to rebuild the damaged levees to their previous heights as expediently as possible; and

BE IT FURTHER RESOLVED that the members of the Missouri Senate encourage communities, families and other stakeholders to work together to restore the prime agricultural lands that have been damaged by the recent flooding so that the productive value of these lands is not irrevocably lost; and

BE IT FURTHER RESOLVED that the members of the Missouri Senate strongly encourage the members of the Missouri Congressional delegation to actively support policies for the management of the Missouri River that mimic natural river level rises and falls and that minimize devastating flood events such as those that have been experienced by so many Missourians this summer; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Secretary of the U.S. Army and the members of the Missouri Congressional delegation.

Senators Cunningham, Kraus, Dixon, Ridgeway, Lembke, Purgason, Schaaf, Crowell, Rupp, Mayer, Schmitt, Parson, Engler, Stouffer, Richard, Munzlinger, Nieves, Dempsey, Kehoe, Wasson, Brown, Lamping and Callahan offered the following resolution:

SENATE RESOLUTION NO. 44

WHEREAS, an employee of the Department of Elementary and Secondary Education is seeking to apply for a federal grant from the Early Learning Challenge Fund to implement a quality rating system for early childhood in Missouri; and

WHEREAS, the General Assembly has previously considered legislation during several legislative sessions to adopt a quality rating system similar to the Early Learning Challenge Fund's tiered quality rating system and has repeatedly refused to enact legislation creating such a system; and

WHEREAS, strong opposition to a quality rating system continues to exist in the General Assembly; and

WHEREAS, an employee of the Department of Elementary and Secondary Education is knowingly circumventing the legislative process and the will of the General Assembly by attempting to implement a quality rating system and applying for an approximately \$60 million federal grant that requires the implementation of such a system; and

WHEREAS, the receipt of a grant from the Early Learning Challenge Fund would demonstrate a complete disregard for the legislative process and require the establishment of a system that the General Assembly has refused to adopt and has strongly opposed:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-sixth General Assembly, First Extraordinary Session, hereby demand that the Commissioner of Education, State Board of Education, and Governor cease and desist from taking any further action on the application and not apply for a grant from the Early Learning Challenge Fund or any other source that requires an early childhood quality rating system; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Commissioner of Education, each member of the State Board of Education, and the Governor.

REFERRALS

President Pro Tem Mayer referred **SR 28** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Mayer referred **HB 2**, with **SCS**, to the Committee on Ways and Means and Fiscal Oversight.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SB 7**, introduced by Senator Mayer, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 7

An Act to repeal sections 196.1109, 196.1115, 348.251, 348.253, 348.256, 348.261, 348.262, 348.263, 348.264, 348.271, and 348.300, RSMo, and to enact in lieu thereof fourteen new sections relating to science and innovation, with a contingent effective date.

Was taken up.

On motion of Senator Mayer, **SS** for **SCS** for **SB 7** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Curls	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Mayer	McKenna	Munzlinger	Parson	Pearce	Purgason	Richard	Ridgeway
Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—30		

NAYS—Senators

Cunningham	Lembke	Nieves	Rupp—4
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 3**, entitled:

An Act to repeal sections 115.123, 115.755, and 115.761, RSMo, and to enact in lieu thereof two new sections relating to presidential election regulation.

Was taken up by Senator Engler.

At the request of Senator Engler, **HCS** for **HB 3** was placed on the Informal Calendar.

INTRODUCTIONS OF GUESTS

Senator Brown introduced to the Senate, Dylan Rehagen, Westphalia.

Senator Lembke introduced to the Senate, Roland and Jane VonderHaar and their son, Adam, Oakville;

and Adam was made an honorary page.

Senator Kehoe introduced to the Senate, Coaches Brandon Talbot and Ryan Suttentfield, parents and members of the Class 2 State Champion New Bloomfield R-III High School baseball team, Brendon Bailey, Cameron Baker, Aaron Bedsworth, Greg Bedsworth, Daniel Berry, Alec Britton, Trent Crawford, Alex Cuneio, Cam Edwards, Lee Gardner, Tim Long, Skyler Lucas, Ethan Massman, Taylor Mattern, Kolby O'Dowd, Brandon Peiter, Austin Pittman, Zach Rehagan, Justice Richards, Jacob Rieken, Justus Zumbahl and Justin Tighe.

On motion of Senator Dempsey, the Senate adjourned until 2:00 p.m., Wednesday, September 21, 2011.

SENATE CALENDAR

EIGHTH DAY—WEDNESDAY, SEPTEMBER 21, 2011

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 10-Schaaf

SB 11-Chappelle-Nadal

HOUSE BILLS ON SECOND READING

HB 6-Silvey

HB 7-Silvey

HOUSE BILLS ON THIRD READING

HB 1-Nasheed and Tilley (Keaveny)
(In Fiscal Oversight)

HB 2-Flanigan, with SCS (Schaefer)
(In Fiscal Oversight)

INFORMAL CALENDAR

HOUSE BILLS ON THIRD READING

HCS for HB 3 (Engler)

RESOLUTIONS

To be Referred

SR 43-Munzlinger

SR 44-Cunningham, et al

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Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

EIGHTH DAY—WEDNESDAY, SEPTEMBER 21, 2011

The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

“Always seek peace between your heart and God, but in this world, always be careful to remain ever-restless, never satisfied, and always abounding in the work of the Lord.” (Jim Elliot)

Almighty God, we return to continue to deal with a tough reality of unemployment, a difficult economy and resulting needs that present themselves in a variety of ways in hope that we might address them. Give us discerning hearts and minds that will guide us to make the best decisions that produce the most helpful outcomes. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Wednesday, September 14, 2011 was read and approved.

Senator Dempsey announced that photographers from Missouri News Horizon were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Curls	Dempsey	Dixon	Engler
Goodman	Green	Keaveny	Kehoe	Kraus	Lamping	Lembke	Mayer
McKenna	Munzlinger	Nieves	Pearce	Purgason	Richard	Ridgeway	Rupp
Schaaf	Schaefer	Schmitt	Stouffer	Wasson—29			

Absent—Senators—None

Absent with leave—Senators

Cunningham	Justus	Lager	Parson	Wright-Jones—5
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Vacancies—None

RESOLUTIONS

On behalf of Senator Wright-Jones, Senator Callahan offered Senate Resolution No. 45, regarding the One Hundredth Birthday of Mary Katherine Billingsly Wall, St. Louis, which was adopted.

Senator Kraus offered Senate Resolution No. 46, regarding Dr. Jim Elias, Lake Winnebago, which was adopted.

Senator Crowell offered Senate Resolution No. 47, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Mitch Shelby, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 48, regarding the Twenty-fifth Wedding Anniversary of Reverends Grant and Nancy Gillard, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 49, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Hal Majors, Cape Girardeau, which was adopted.

Senator Brown offered Senate Resolution No. 50, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Carl Meyers, Montgomery City, which was adopted.

Senator Mayer offered Senate Resolution No. 51, regarding Addie Rasche, Dexter, which was adopted.

Senator Schaaf offered Senate Resolution No. 52, regarding Kathleen S. Tremayne, St. Joseph, which was adopted.

On behalf of Senator Cunningham and himself, Senator Engler offered Senate Resolution No. 53, regarding Dr. Donald D. Palmer, Jr., Ballwin, which was adopted.

Senator Schaefer offered Senate Resolution No. 54, regarding Brenda L. Wages, Clifton Hill, which was adopted.

Senator Kehoe offered Senate Resolution No. 55, regarding Faye Tull Carter, Jefferson City, which was adopted.

Senator Crowell offered Senate Resolution No. 56, regarding the One Hundred Sixtieth Anniversary of Eisleben Lutheran Church, Scott City, which was adopted.

Senator Kehoe offered Senate Resolution No. 57, regarding the Ninety-second Birthday of Elizabeth S. “Betty” Kramer, Jefferson City, which was adopted.

Senator Wasson offered Senate Resolution No. 58, regarding Sheriff Joey Kyle, Christian County, which was adopted.

Senator Munzlinger offered Senate Resolution No. 59, regarding the One Hundred Seventy-fifth Anniversary of Audrain County and the City of Mexico, which was adopted.

Senators Lembke, Crowell, Schaaf and Ridgeway offered the following resolution:

SENATE RESOLUTION NO. 60

WHEREAS, Governor Nixon designated John Huff, the Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration and a member of the Missouri Health Insurance Pool, to serve as the project director of Missouri’s Health Insurance Exchange Establishment Grant to provide executive leadership to the development of the exchange infrastructure and to oversee grant administration; and

WHEREAS, Governor Nixon, upon the advice of Director Huff and the Health Insurance Exchange Coordinating Committee, designated the Missouri Health Insurance Pool to receive an Establishment Grant from the federal government on behalf of the State of Missouri to plan

and implement a health insurance exchange under the direction of Director Huff; and

WHEREAS, on August 12, 2011, the Department of Health and Human Services announced the award of approximately \$21 million in the form of a Level One Exchange Establishment Grant to the Missouri Health Insurance Pool to help establish a state health insurance exchange; and

WHEREAS, on September 15, 2011, the board of directors of the Missouri Health Insurance Pool considered adopting a resolution establishing the “MHIP/Show-Me HIX” as a distinct organizational unit within the Missouri Health Insurance Pool and undertaking responsibility for implementing the tasks described in the Missouri Establishment Grant; and

WHEREAS, the board of directors of the Missouri Health Insurance Pool also considered accepting a \$21 million federal grant to help build the technological infrastructure for a health insurance exchange; and

WHEREAS, after consulting with some key senators from the Senate Interim Committee on Health Insurance Exchanges, the board of directors of the Missouri Health Insurance Pool postponed action on the resolution to establish an exchange and accept the federal grant; and

WHEREAS, counsel retained by the Missouri Health Insurance Pool has stated that the Missouri Health Insurance Pool has the statutory authority to accept the federal monies and take the preliminary steps to establish a health insurance exchange; and

WHEREAS, several members of the Senate Interim Committee on Health Insurance Exchanges have asked the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration to state the legal authority that allows the Missouri Health Insurance Pool to accept Exchange Establishment Grants and to undertake precursory steps to establish a state-based health insurance exchange; and

WHEREAS, as to date, the legal basis for the Missouri Health Insurance Pool to engage in the preliminary steps of establishing a health insurance exchange has not been provided to the members of the Senate Interim Committee on Health Insurance Exchanges; and

WHEREAS, the statutes establishing the Missouri Health Insurance Pool do not authorize its board to accept federal grants or undertake activities relating to the establishment of a health insurance exchange; and

WHEREAS, the Patient Protection and Affordable Care Act requires states to establish their own health insurance exchanges or otherwise cede this authority to the federal government; and

WHEREAS, the decision to establish a state-based health insurance exchange or to allow the federal government to operate an exchange within Missouri is a policy decision left to the General Assembly and not the Missouri Health Insurance Pool or any other member of the executive branch; and

WHEREAS, the Missouri General Assembly would need to pass legislation before any state-controlled exchange were to be implemented in Missouri, giving the citizens of Missouri a right to be heard on this matter through their constitutionally elected representatives; and

WHEREAS, Article II of the Missouri Constitution mandates that the powers of government shall be divided into three distinct departments with each department exercising its own powers; and

WHEREAS, it is the power of Governor, as the head of the executive department, to faithfully execute the laws and not to make laws or choose to ignore the laws that do not suit his political agenda; and

WHEREAS, accepting federal monies to preliminarily establish a state-based health insurance exchange invades the province of the General Assembly in that the decision to establish or not establish a health insurance exchange is a policy decision - a power entrusted to the General Assembly by the Missouri Constitution, and

WHEREAS, the legislative authority of Missouri is vested in the General Assembly and in the absence of a statute or constitutional provision that authorizes the Governor to establish a state-based health insurance exchange, the Governor cannot create obligations, responsibilities, conditions or processes having the force and effect of law by the issuance of an executive order or other actions; and

WHEREAS, the potential decision of the Missouri Health Insurance Pool to establish a health insurance exchange within the Missouri Health Insurance Pool is without legal foundation and usurps the power of the General Assembly; and

WHEREAS, the potential decision of the Missouri Health Insurance Pool to establish a health insurance exchange within the Missouri Health Insurance Pool runs afoul of the wishes of the Missouri voters in that one of the core functions of a federally-approved exchange is to establish a process to determine whether an individual is exempt from the individual mandate penalty:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-sixth General Assembly, First Extraordinary Session, hereby urge the Governor of Missouri, the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration, and the board of directors of the Missouri Health Insurance Pool to return all Exchange Establishment Grant monies to Health and Human Services Secretary, Kathleen Sebelius; refrain from applying for any other federal grants relating to the establishment of a health

insurance exchange as envisioned under the Patient Protection and Affordable Care Act; and refrain from adopting any policies relating to the establishment of a health insurance exchange which by their very nature blatantly disregard the time-honored separation of powers between the legislative and executive branches; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to send a copy of this resolution to the Governor of Missouri, the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration, and each member of the board of directors of the Missouri Health Insurance Pool.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 6—Appropriations.

HB 7—Appropriations.

REFERRALS

President Pro Tem Mayer referred **SR 43** and **SR 44** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 10—Health, Mental Health, Seniors and Families.

SB 11—Jobs, Economic Development and Local Government.

On motion of Senator Dempsey, the Senate recessed until 7:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Pearce.

Senator Goodman announced that photographers from KTVI-TV were given permission to take pictures in the Senate Chamber today.

On motion of Senator Goodman, the Senate adjourned until 2:00 p.m., Friday, September 23, 2011.

SENATE CALENDAR

NINTH DAY—FRIDAY, SEPTEMBER 23, 2011

FORMAL CALENDAR

HOUSE BILLS ON THIRD READING

HB 1-Nasheed and Tilley (Keaveny)
(In Fiscal Oversight)

HB 2-Flanigan, with SCS (Schaefer)
(In Fiscal Oversight)

INFORMAL CALENDAR

HOUSE BILLS ON THIRD READING

HCS for HB 3 (Engler)

RESOLUTIONS

To be Referred

SR 60-Lembke, et al

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Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

NINTH DAY—FRIDAY, SEPTEMBER 23, 2011

The Senate met pursuant to adjournment.

President Pro Tem Mayer in the Chair.

Senator Dempsey announced that photographers from KSDK-TV, KTVI/KPLR, Missouri News Horizon, News Tribune, and KRCG-TV were given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

On behalf of Senator Rupp, Senator Dempsey offered Senate Resolution No. 61, regarding Andrew Gordon Reader, Weldon Spring, which was adopted.

On behalf of Senator Brown, Senator Dempsey offered Senate Resolution No. 62, regarding the Fiftieth Anniversary of Central Hog Market, Rich Fountain, which was adopted.

On behalf of Senator Brown, Senator Dempsey offered Senate Resolution No. 63, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Martin Rohlfing, Hermann, which was adopted.

On behalf of Senator Brown, Senator Dempsey offered Senate Resolution No. 64, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ralph Kloeppel, Dixon, which was adopted.

On behalf of Senator Nieves, Senator Dempsey offered Senate Resolution No. 65, regarding Zachary Scott Myers, Pacific, which was adopted.

On behalf of Senator Kehoe, Senator Dempsey offered Senate Resolution No. 66, regarding Claudia Goodin, Jefferson City, which was adopted.

On behalf of Senator Crowell, Senator Dempsey offered Senate Resolution No. 67, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Carl Leuckel, Perryville, which was adopted.

On behalf of Senator Crowell, Senator Dempsey offered Senate Resolution No. 68, regarding the Fiftieth Wedding Anniversary of Dr. and Mrs. Harold Hager, Cape Girardeau, which was adopted.

On behalf of Senator Crowell, Senator Dempsey offered Senate Resolution No. 69, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Wes Steffen, Cape Girardeau, which was adopted.

On behalf of Senator Nieves, Senator Dempsey offered Senate Resolution No. 70, regarding the One Hundredth Anniversary of Mathaushek Council #1576 of the Knights of Columbus, Union, which was adopted.

On behalf of Senator Rupp, Senator Dempsey offered Senate Resolution No. 71, regarding the Sixty-fifth Wedding Anniversary of Dr. and Mrs. Richard L. Dalton, Old Monroe, which was adopted.

On behalf of Senator Rupp, Senator Dempsey offered Senate Resolution No. 72, regarding Noah Gresham Krull, O'Fallon, which was adopted.

On behalf of Senator Schaefer, Senator Dempsey offered Senate Resolution No. 73, regarding Jack D. Bragg, D.O., Columbia, which was adopted.

On behalf of Senator Ridgeway, Senator Dempsey offered Senate Resolution No. 74, regarding the Fortieth Anniversary of the Clay County Investigative Squad, Liberty, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 7**.

Bill ordered enrolled.

REPORTS OF STANDING COMMITTEES

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 1** and **SS** for **SCS** for **SB 7**, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SCS** for **SB 1**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

OBJECTIONS

Senator Lembke submitted the following:

CONSTITUTIONAL OBJECTION IN THE FIRST EXTRAORDINARY SESSION OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF MISSOURI

Comes now, Senator Jim Lembke, duly elected member of the Missouri Senate from the First Senatorial District, to present the following Point

of Order with respect to Senate Substitute for Senate Committee Substitute for Senate Bill Seven.

I believe this bill is constitutionally infirm for the following reasons:

1. SS/SCS for Senate Bill No. 7 further violates Article I, Section 2 of the Missouri Constitution by providing a competitive advantage to some citizens through state supplied subsidies for the development of new enterprises at the expense of citizens who have already made investments in competing projects. The result is state sponsored diminution of their property and the state's failure to "give security" to the "gains of their own industry".
2. SS/SCS for Senate Bill No. 7 further violates Article I, Section 2 of the Missouri Constitution by providing preferential and unequal treatment to some citizens, who would receive state supplied subsidies for the development of new enterprises, over other citizens who might otherwise seek development of new enterprises in competition with them in an open and free marketplace.
3. SS/SCS for Senate Bill No. 7 violates Article III, Section 36 of the Missouri Constitution, because it has the effect of "divert[ing]" money from the treasury independent of the appropriation process.
4. SS/SCS for Senate Bill No. 7 violates Article III, Section 38(a) of the Missouri Constitution, which states that "The general assembly shall have no power to grant public money or property, or lend or authorize the lending of public credit, to any private person, association or corporation..."
5. The potential for public benefit does not remediate the fatal flaws in this bill, for as the Missouri Supreme Court pointed out in 1987, "Accordingly, in our application of Article III, Section 38(a) of the Missouri Constitution, we have held grants with a primarily private effect to be unconstitutional, despite the possible beneficial impact upon the economy of the locality and of the state." *Curchin v. Missouri Indus. Development Bd.*, 722 SW 2d 930 (Mo: Supreme Court 1987)
6. SS/SCS for Senate Bill No. 7 violates Missouri Constitution's Article III, Section 40 prohibition of "special laws" in several ways, notably those in Section 40(30) which forbids the General Assembly from passing a local or special law where a general law can be made applicable.

Article I, Section 2 of the Missouri Constitution provides guidance for all that the state would task itself with – it defines the role of Missouri government, what it calls its "principal office". That section was brought forward from our 1875 constitution and it was explained eloquently when introduced to the body of delegates during the 1875 Constitutional Convention:

"It [in the Bill of Rights] is then declared that the main office of government is the security of life, liberty and property - the protection of those things - not protection in the sense in which capital is employed in thousands of industries in order to render bloated one or two in some favored locality - not protection in that sense, but equal protection to all, so that every man may sit secure under the shadow of his own vine and fig tree, and have none to make him afraid." Debates of the Missouri Constitutional Convention, 1875 – Volume I, P. 430 at 24 (emph. added)

As a duly elected senator of the great state of Missouri, I have taken an oath to support and defend the Constitution from which these principles emanate. While I have a responsibility to consider guidance from the Courts, I also have a personal responsibility to understand our Constitution and apply *my* understanding in the execution of *my* duties. In the present instance, both the preponderance of guidance from the courts and my understanding are in agreement.

Accordingly, I conclude that Senate Substitute for Senate Committee Substitute for Senate Bill Seven is unconstitutional for the above-stated reasons and should not be agreed to or passed by this body and in the event it is finally passed by both houses of the legislature, should not be signed by the governor.

Respectfully submitted,
/s/ James W. Lembke
Senator James W. Lembke

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SS** for **SCS** for **SB 7**, having passed both branches of the General Assembly, would be read at length by the Secretary, and, the objection notwithstanding, the bill would be signed by the President Pro Tem to the end that it may become law. The bill was so read by the Secretary and signed by the President Pro Tem.

Senator Pearce assumed the Chair.

On motion of Senator Dempsey, the Senate adjourned until 10:30 a.m., Monday, September 26, 2011.

SENATE CALENDAR

TENTH DAY—MONDAY, SEPTEMBER 26, 2011

FORMAL CALENDAR

HOUSE BILLS ON THIRD READING

HB 1-Nasheed and Tilley (Keaveny)
(In Fiscal Oversight)

HB 2-Flanigan, with SCS (Schaefer)
(In Fiscal Oversight)

INFORMAL CALENDAR

HOUSE BILLS ON THIRD READING

HCS for HB 3 (Engler)

RESOLUTIONS

To be Referred

SR 60-Lembke, et al

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Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

TENTH DAY—MONDAY, SEPTEMBER 26, 2011

The Senate met pursuant to adjournment.

Senator Kehoe in the Chair.

On motion of Senator Dempsey, the Senate adjourned until 10:00 a.m., Monday, October 3, 2011.

SENATE CALENDAR

ELEVENTH DAY—MONDAY, OCTOBER 3, 2011

FORMAL CALENDAR

HOUSE BILLS ON THIRD READING

HB 1-Nasheed and Tilley (Keaveny)
(In Fiscal Oversight)

HB 2-Flanigan, with SCS (Schaefer)
(In Fiscal Oversight)

INFORMAL CALENDAR

HOUSE BILLS ON THIRD READING

HCS for HB 3 (Engler)

RESOLUTIONS

To be Referred

SR 60-Lembke, et al

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Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

ELEVENTH DAY—MONDAY, OCTOBER 3, 2011

The Senate met pursuant to adjournment.

Senator Kehoe in the Chair.

RESOLUTIONS

On behalf of Senator Goodman, Senator Kehoe offered Senate Resolution No. 75, regarding Dylan Coy Wolfe, Billings, which was adopted.

On behalf of Senator Curls, Senator Kehoe offered Senate Resolution No. 76, regarding the death of Wayne Jamar White, Kansas City, which was adopted.

On behalf of Senator Kraus, Senator Kehoe offered Senate Resolution No. 77, regarding Steven Arthur Rew, Lee's Summit, which was adopted.

On behalf of Senator Kraus, Senator Kehoe offered Senate Resolution No. 78, regarding Brady Joe Martin, Lee's Summit, which was adopted.

On behalf of Senator Kraus, Senator Kehoe offered Senate Resolution No. 79, regarding David Lance Schmitt, Lee's Summit, which was adopted.

On behalf of Senator Kraus, Senator Kehoe offered Senate Resolution No. 80, regarding Robert Bradley Williams, Lee's Summit, which was adopted.

On behalf of Senator Kraus, Senator Kehoe offered Senate Resolution No. 81, regarding Collin Eugene Williams, Lee's Summit, which was adopted.

On behalf of Senator Kraus, Senator Kehoe offered Senate Resolution No. 82, regarding Andrew Michael Williams, Lee's Summit, which was adopted.

On behalf of Senators Brown and Schaefer, Senator Kehoe offered Senate Resolution No. 83, regarding Dr. Bob Youngquist, Columbia, which was adopted.

On behalf of Senator Brown, Senator Kehoe offered Senate Resolution No. 84, regarding the One Hundred Fiftieth Anniversary of Immaculate Conception Parish, Montgomery City, which was adopted.

On behalf of Senator Brown, Senator Kehoe offered Senate Resolution No. 85, regarding Gene Sally, Rancho Mirage, California, which was adopted.

On behalf of Senator Parson, Senator Kehoe offered Senate Resolution No. 86, regarding Dr. C. Pat Taylor, Bolivar, which was adopted.

On behalf of Senator Richard, Senator Kehoe offered Senate Resolution No. 87, regarding Betsy Banks, Chapel Hill, North Carolina, which was adopted.

On behalf of Senator Richard, Senator Kehoe offered Senate Resolution No. 88, regarding Larry Hickey, Joplin, which was adopted.

On behalf of Senator Rupp, Senator Kehoe offered Senate Resolution No. 89, regarding Zachary J. Kleist, St. Charles, which was adopted.

On behalf of Senator Schaaf, Senator Kehoe offered Senate Resolution No. 90, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Leroy “Sonny” Phillips, St. Joseph, which was adopted.

On behalf of Senator Munzlinger, Senator Kehoe offered Senate Resolution No. 91, regarding the One Hundred Eightieth Anniversary of the First Presbyterian Church, Palmyra, which was adopted.

On behalf of Senator Munzlinger, Senator Kehoe offered Senate Resolution No. 92, regarding the Fortieth Birthday of Brian Hauswirth, Moberly, which was adopted.

On behalf of Senator Munzlinger, Senator Kehoe offered Senate Resolution No. 93, regarding the Sixtieth Anniversary of the Mexico High School Dixie Gray Band, which was adopted.

On behalf of Senator Richard, Senator Kehoe offered Senate Resolution No. 94, regarding Dixie Meredith, Webb City, which was adopted.

On behalf of Senator Lager, Senator Kehoe offered Senate Resolution No. 95, regarding the Sixty-fifth Anniversary of the Fairfax Kiwanis Club, which was adopted.

On behalf of Senator Crowell, Senator Kehoe offered Senate Resolution No. 96, regarding the One Hundredth Birthday of Effie Elizabeth Riehn, Jackson, which was adopted.

On behalf of Senator Dempsey, Senator Kehoe offered Senate Resolution No. 97, regarding Karen Mercurio, Saint Peters, which was adopted.

On behalf of Senator Richard, Senator Kehoe offered Senate Resolution No. 98, regarding Contempri Homes and the community of Pinckneyville, Illinois, which was adopted.

On behalf of Senator Rupp, Senator Kehoe offered Senate Resolution No. 99, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Cliff Garrett, Troy, which was adopted.

COMMUNICATIONS

On behalf of President Pro Tem Mayer, Senator Kehoe submitted the following:

September 26, 2011

Senator Jim Lembke
Chairman, Governmental Accountability Committee
Room 419, State Capitol
Jefferson City, MO 65101

Dear Chairman Lembke:

Pursuant to Senate Rule 28 Section 8, I request that your committee investigate recent events involving Mamtek in Moberly, Missouri, including

state and local involvement.

Senator Kurt Schaefer will work with the committee on this issue as the City of Moberly is part of his senatorial district.

Please let me know if you have additional questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
State Senator, District 25

Also,

September 27, 2011

Senator Jim Lembke
Chairman, Governmental Accountability Committee
Room 419, State Capitol
Jefferson City, MO 65101

Dear Chairman Lembke:

Pursuant to Senate Rule 28 Section 8, I request that your committee investigate recent events involving Mamtek in Moberly, Missouri, including state and local involvement.

Senator Joseph Keaveny will assist the committee with their work on this issue.

Please let me know if you have additional questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
State Senator, District 25

On motion of Senator Kehoe, the Senate adjourned until 10:00 a.m., Thursday, October 6, 2011.

SENATE CALENDAR

TWELFTH DAY—THURSDAY, OCTOBER 6, 2011

FORMAL CALENDAR

HOUSE BILLS ON THIRD READING

HB 1-Nasheed and Tilley (Keaveny)
(In Fiscal Oversight)

HB 2-Flanigan, with SCS (Schaefer)
(In Fiscal Oversight)

INFORMAL CALENDAR

HOUSE BILLS ON THIRD READING

HCS for HB 3 (Engler)

RESOLUTIONS

To be Referred

SR 60-Lembke, et al

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Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

TWELFTH DAY—THURSDAY, OCTOBER 6, 2011

The Senate met pursuant to adjournment.

Senator Kehoe in the Chair.

RESOLUTIONS

On behalf of Senator Keaveny, Senator Kehoe offered Senate Resolution No. 100, regarding the death of Amos McClure, Saint Louis, which was adopted.

On behalf of Senator Brown, Senator Kehoe offered Senate Resolution No. 101, regarding the One Hundredth Anniversary of the city of Rosebud, which was adopted.

On behalf of Senator Brown, Senator Kehoe offered Senate Resolution No. 102, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Roy Yager, Montgomery City, which was adopted.

On behalf of Senator Brown, Senator Kehoe offered Senate Resolution No. 103, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. C. Dale Murphy, Bourbon, which was adopted.

On behalf of Senator Crowell, Senator Kehoe offered Senate Resolution No. 104, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Wilbur Keith Seabaugh, Jackson, which was adopted.

On behalf of Senator Crowell, Senator Kehoe offered Senate Resolution No. 105, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. James L. Maevers, Cape Girardeau, which was adopted.

On behalf of Senator Rupp, Senator Kehoe offered Senate Resolution No. 106, regarding Ryan Quay Baggett, St. Charles, which was adopted.

On behalf of Senator Engler, Senator Kehoe offered Senate Resolution No. 107, regarding Gregory Kenneth “Greg” Ferrell, De Soto, which was adopted.

On behalf of Senator Dixon, Senator Kehoe offered Senate Resolution No. 108, regarding Bharat Shah, M.D., F.A.C.S., Springfield, which was adopted.

On behalf of Senator Dixon, Senator Kehoe offered Senate Resolution No. 109, regarding Brooke O’Reilly, Springfield, which was adopted.

On behalf of Senator Dixon, Senator Kehoe offered Senate Resolution No. 110, regarding the Twenty-fifth Anniversary of Southwest Center for Independent Living, Springfield, which was adopted.

On behalf of Senator Dixon, Senator Kehoe offered Senate Resolution No. 111, regarding Ruth Grant, M.D., Springfield, which was adopted.

On behalf of Senator Dixon, Senator Kehoe offered Senate Resolution No. 112, regarding Gary L. Hoos, M.D., Springfield, which was adopted.

On behalf of Senator Dixon, Senator Kehoe offered Senate Resolution No. 113, regarding Doug Pitt, Springfield, which was adopted.

On behalf of Senator Dixon, Senator Kehoe offered Senate Resolution No. 114, regarding Dr. John Buckner, III, Springfield, which was adopted.

On behalf of Senator Dixon, Senator Kehoe offered Senate Resolution No. 115, regarding Ginger Robinson, Colorado, which was adopted.

On behalf of Senator Brown, Senator Kehoe offered Senate Resolution No. 116, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Leroy Hanneken, Wellsville, which was adopted.

On behalf of Senator Schaefer, Senator Kehoe offered Senate Resolution No. 117, regarding Cindy Mustard, Columbia, which was adopted.

On behalf of Senator Brown, Senator Kehoe offered Senate Resolution No. 118, regarding the Twenty-fifth Anniversary of the Armed Services YMCA of Missouri, which was adopted.

On behalf of Senator Goodman, Senator Kehoe offered Senate Resolution No. 119, regarding Loyd's Electric Supply, Incorporated, Branson, which was adopted.

On behalf of Senator Lembke, Senator Kehoe offered Senate Resolution No. 120, regarding Lisa Dunn, St. Louis, which was adopted.

On behalf of Senator Lembke, Senator Kehoe offered Senate Resolution No. 121, regarding Hancock High School Varsity H Club, which was adopted.

On behalf of Senator Lembke, Senator Kehoe offered Senate Resolution No. 122, regarding Justin N. Hennessey, St. Louis, which was adopted.

On behalf of Senator Chappelle-Nadal, Senator Kehoe offered Senate Resolution No. 123, regarding Double Tenth National Day, which was adopted.

On behalf of Senator Kraus, Senator Kehoe offered Senate Resolution No. 124, regarding Jay R. Curless, III, which was adopted.

On behalf of Senator Goodman, Senator Kehoe offered Senate Resolution No. 125, regarding the Ninetieth Birthday of Della Mieswinkel, Mount Vernon, which was adopted.

On behalf of Senator Parson, Senator Kehoe offered Senate Resolution No. 126, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Howard Bass, Lamar, which was adopted.

On behalf of Senator Rupp, Senator Kehoe offered Senate Resolution No. 127, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Joseph Robert Kallash, Troy, which was adopted.

BILLS DELIVERED TO THE GOVERNOR

SCS for SB 1 and **SS for SCS for SB 7**, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

On motion of Senator Kehoe, the Senate adjourned until 2:00 p.m., Tuesday, October 11, 2011.

SENATE CALENDAR

THIRTEENTH DAY—TUESDAY, OCTOBER 11, 2011

FORMAL CALENDAR

HOUSE BILLS ON THIRD READING

HB 1-Nasheed and Tilley (Keaveny)
(In Fiscal Oversight)

HB 2-Flanigan, with SCS (Schaefer)
(In Fiscal Oversight)

INFORMAL CALENDAR

HOUSE BILLS ON THIRD READING

HCS for HB 3 (Engler)

RESOLUTIONS

SR 60-Lembke, et al

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Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

THIRTEENTH DAY—TUESDAY, OCTOBER 11, 2011

The Senate met pursuant to adjournment.

President Pro Tem Mayer in the Chair.

Senator Dempsey announced that photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

On behalf of Senator Nieves, Senator Dempsey offered Senate Resolution No. 128, regarding Virginia I. Wolking, which was adopted.

On behalf of Senator Nieves, Senator Dempsey offered Senate Resolution No. 129, regarding Delmar W. Jones, which was adopted.

On behalf of Senator Nieves, Senator Dempsey offered Senate Resolution No. 130, regarding Douglas W. Baecker, which was adopted.

On behalf of Senator Nieves, Senator Dempsey offered Senate Resolution No. 131, regarding Melinda S. Helling, which was adopted.

On behalf of Senator Nieves, Senator Dempsey offered Senate Resolution No. 132, regarding Michael Corley, Eureka, which was adopted.

On behalf of Senator Rupp, Senator Dempsey offered Senate Resolution No. 133, regarding Carol Alexander, Weldon Springs, which was adopted.

On behalf of Senator Munzlinger, Senator Dempsey offered Senate Resolution No. 134, regarding Dawn Food Products, Incorporated, Mexico, which was adopted.

On behalf of Senator Munzlinger, Senator Dempsey offered Senate Resolution No. 135, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bob Meyer, Canton, which was adopted.

On behalf of Senator Munzlinger, Senator Dempsey offered Senate Resolution No. 136, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bennie DeVerger, Maywood, which was adopted.

On behalf of Senator Munzlinger, Senator Dempsey offered Senate Resolution No. 137, regarding the

Fiftieth Wedding Anniversary of Mr. and Mrs. Jim Brumback, Palmyra, which was adopted.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 8**, entitled:

An Act to repeal sections 32.115, 99.1205, 135.090, 135.313, 135.326, 135.327, 135.350, 135.352, 135.484, 135.535, 135.562, 135.575, 135.630, 135.647, 135.700, 135.825, 135.1150, 143.119, 178.760, 178.761, 178.762, 178.763, 178.764, 178.892, 178.893, 178.894, 178.895, 178.896, 208.770, 215.020, 215.030, 215.033, 215.034, 253.545, 253.550, 253.557, 253.559, 447.708, 620.470, 620.472, 620.474, 620.475, 620.476, 620.478, 620.479, 620.480, 620.481, 620.482, 620.1878, and 620.1881, RSMo, and to enact in lieu thereof forty-two new sections relating to taxation, with an emergency clause.

With House Amendment Nos. 2, 3, 4, 5, House Amendment No. 1 to House Amendment No. 6, House Amendment No. 6, as amended, House Amendment No. 1 to House Amendment No. 7, House Amendment No. 7, as amended, House Amendment No. 1 to House Amendment No. 8, House Amendment No. 8, as amended, House Amendment No. 9, House Amendment No. 1 to House Amendment No. 10, House Amendment No. 10, as amended, and House Substitute Amendment No. 1 for House Amendment No. 12.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 8, Page 25, Section 135.352, Line 48, by inserting the following after all of said Line:

“10. Notwithstanding provisions of law to the contrary, during the calendar year beginning January 1, 2016, and every fourth calendar year thereafter, the general assembly may, by concurrent resolution adopted during regular session, prohibit the approval of qualified Missouri projects for tax credits provided under sections 253.545 to 253.559. Such resolution shall not take effect prior to the first day of the fiscal year following the fiscal year in which such resolution was adopted. The prohibition contained in such resolution shall not in any way impair the department of economic development’s ability to issue tax credits for projects approved prior to the effective date of such resolution, or a taxpayer’s ability to redeem such tax credits.”; and

Further amend said bill, Page 64, Section 253.559, Line 135, by inserting the following after all of said Line:

“11. Notwithstanding provisions of law to the contrary, during the calendar year beginning January 1, 2016, and every fourth calendar year thereafter, the general assembly may, by concurrent resolution adopted during regular session, prohibit the approval of qualified Missouri projects for tax credits provided under sections 135.350 to 135.363. Such resolution shall not take effect prior to the first day of the fiscal year following the fiscal year in which such resolution was adopted. The prohibition contained in such resolution shall not in any way impair the commission’s ability to issue tax credits for projects approved prior to the effective date of such resolution, or a taxpayer’s ability to redeem such tax credits.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 8, Page 38, Section 135.1180, Line 43, by inserting at the end of said line the following:

“The cumulative amount of tax credits under this section which may be allocated to all taxpayers making eligible donations in any one fiscal year shall not exceed five million dollars. The director of revenue shall establish a procedure by which the cumulative amount of tax credits is apportioned among all taxpayers claiming the credit by April fifteenth of the fiscal year in which the tax credit is claimed. To the maximum extent possible, the director of revenue shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 8, Page 98, Section 620.1878, Line 409, by inserting after all of said section the following:

“Section 1. The amount of tax imposed on the taxable income of a corporation in section 143.071 shall be reduced to five and one half percent of Missouri taxable income beginning January 1, 2012.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 8, Page 42, Section 135.1521, Line 9, by inserting the following after all of said Line:

“137.081. 1. As used in this section, the following terms mean:

(1) "Certificate of occupancy", the certificate, permit, or equivalent document issued by the county that permits the commercial use or occupancy of a building or structure used for commercial purposes;

(2) "Commercial real property", any real property assessed as utility, industrial, commercial, railroad and other real property by the assessor for property tax purposes under section 137.016;

(3) "Commercial real property improvement", any buildings, structures, fixtures, and similar edifice as described in subdivision (3) of section 137.010 which are on and a part of commercial real property;

(4) "Natural disaster", any disaster due to natural causes such as tornado, fire, flood, or earthquake;

(5) "County", any county or city not within a county.

2. If a property owner makes an application under this section, any commercial real property improvement destroyed by a natural disaster shall be removed on a pro rata basis from the tax book for the current year if such property improvement is unusable due to such destruction. If such application is made before the first day of July, the county assessor shall carry out the duties of

subsections 2 and 3 of this section. If such application is made on or after July first, the county board of equalization shall carry out the duties of subsections 2 and 3 of this section. In counties that are not of the first classification, if the destruction occurs after the adjournment of the county board of equalization, the county commission shall perform such duties.

3. Upon issuance of a certificate of occupancy for the improvement to a property removed from the tax book under subsection 2 of this section by the county, the property shall be assessed and taxed on such assessed valuation as of the first day of the month for the proportionate part of the remaining year at the tax rates established for that year in all taxing jurisdictions located in the county adopting this section. If the property is located within a county that does not issue a certificate of occupancy, upon the determination of the assessor that the improvement is suitable for use or occupancy for commercial purposes, the property shall be assessed and taxed on such assessed valuation as of the first day of the month for the proportionate part of the remaining year at the tax rates established for that year in all taxing jurisdictions located in the county adopting this section.

4. Any person claiming destroyed property shall provide a list of such destroyed property to the county assessor. The assessor shall make available a supply of appropriate forms on which the claim shall be made. The assessor may verify all such destroyed property listed to ensure that the person made a correct statement. Any person who completes such a list and, with intent to defraud, includes property on the list that was not destroyed by a natural disaster shall be assessed double the value of any property fraudulently listed, in addition to any other penalties provided by law. The list shall be filed by the assessor, after the assessor has provided a copy of the list to the county collector and the board of equalization or county commission, in the office of the county clerk who, after entering the filing thereof, shall preserve and safely keep it.

5. Any political subdivision may recover all loss of revenue resulting from the provisions of this section by adjusting the rate of taxation, to the extent previously authorized by the voters of such political subdivision, for the tax year immediately following the year of such destruction in an amount not to exceed the loss of revenue caused by this section.

6. For any tax year, including 2011, this section shall become effective immediately upon the adoption of this section by the governing body of such county and shall apply to such tax year and shall remain effective until the end of the tax year in which the governing body of such county votes to repeal the provisions of this section. Any improvement that was removed from the tax book under the provisions of this section prior to the time of repeal by the governing body of such county shall be assessed and taxed at such time as the requirements of subsection 3 of this section have been satisfied.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 6

Amend House Amendment No. 6 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 8, Page 1, Line 3, by inserting after all of said line the following;

“Further amend said bill, Page 32, Section 135.630, Lines 91 through 93, by deleting all of said lines”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 8, Page 34, Section 135.647, Lines 56 through 58 by removing said lines from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 7

Amend House Amendment No. 7 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 8, Page 1, Line 8-12, by deleting all of said lines; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 8, Page 12, Section 99.1205, Line 6 by deleting the words “**or any portion thereof, engineering costs, attorney's fees, architectural and planning costs,**”; and

Further amend said bill Page 12, Section 99.1205, Line 9 by removing the brackets around the words “attorney fees”; and

Further amend said bill, Page 12, Section 99.1205, Line 38 by inserting an opening bracket “[” before the following: “(4) “Condemnation proceedings””; and

Further amend said bill, Page 13, Section 99.1205, Line 43 by inserting a closing bracket “]” after the following: “section 523.250””; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 8

Amend House Amendment No. 8 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 8, Page 1, Line 6, by deleting the number, “**twenty**” and inserting in lieu thereof the number, “**ten**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 8, Page 87, Section 620.1878, Line 165 by deleting the word “twenty” and inserting in lieu thereof the words “[twenty] **ten**”; and

Further amend said bill, Page 87, Section 620.1878, Line 166 by deleting the word “forty” and inserting in lieu thereof the words “[forty] **twenty**”; and

Further amend said bill, Page 87, Section 620.1878, Line 167 by inserting after the word “area” the words “**, two new jobs in an enhanced enterprise zone**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 8 Page 5, Section 67.2050 Line 5, of said page by inserting after the word “**state**,” the following: “**or any utilities board thereof;**” and

Further amend said section and page, Line 17, of said page by inserting after the word “**purchase**,” the following: “**lease , sale**,”; and

Further amend said section and page, Line 30, of said page by inserting after the word “**may**” the following: “ **notwithstanding any limiting, restricting or inconsistent ordinance or charter provision of the Municipality**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 10

Amend House Amendment No. 10 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 8, Page 1, Line 2, by deleting “252.545” and inserting in lieu thereof “253.545”; and

Further amend said amendment, Page 2, Lines 25-26, by deleting “**June 30, 2011**” and inserting in lieu thereof “**the effective date of this act**”; and

Further amend said amendment, Page 3, Lines 14, 23, and 25, by deleting “**July 1, 2011**” and inserting in lieu thereof “**the effective date of this act**”; and

Further amend said amendment, Page 4, Lines 5, 7, and 21, by deleting “**July 1, 2011**” and inserting in lieu thereof “**the effective date of this act**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 8, Sections 252.545 through 253.559, Pages 56 - 64, by striking all of said sections from the bill and inserting in lieu thereof the following:

“253.545. As used in sections 253.545 to 253.559, the following terms mean, unless the context requires otherwise:

(1) “Certified historic structure”, a property located in Missouri and listed individually on the National Register of Historic Places;

(2) “Deed in lieu of foreclosure or voluntary conveyance”, a transfer of title from a borrower to the lender to satisfy the mortgage debt and avoid foreclosure;

(3) “Eligible property”, property located in Missouri and offered or used for residential or business purposes;

(4) “Leasehold interest”, a lease in an eligible property for a term of not less than thirty years;

(5) “Principal”, a managing partner, general partner, or president of a taxpayer;

(6) “Structure in a certified historic district”, a structure located in Missouri which is certified by the department of natural resources as contributing to the historic significance of a certified historic district listed on the National Register of Historic Places, or a local district that has been certified by the United States Department of the Interior;

(7) “Taxpayer”, any person, firm, partnership, trust, estate, limited liability company, or corporation;

(8) **“Total costs and expenses of rehabilitation”, all costs and expenses related to the rehabilitation of eligible property that is a certified historic structure or a structure in a certified historic district including, but not limited to, qualified rehabilitation expenditures as defined in Section 47(c)(2)(A) of the Internal Revenue Code of 1986, as amended, and any related regulations promulgated under such section. Such costs and expenses shall include, but not be limited to, rehabilitation work in progress and accrued developer fees. Provided however, that accrued developer fees shall only be considered “total costs and expenses of rehabilitation” if an agreement or other contractual document provides for the payment of such fees within no more than six years of completion of the rehabilitation.**

253.550. 1. Any taxpayer incurring costs and expenses for the rehabilitation of eligible property, which is a certified historic structure or structure in a certified historic district, may, subject to the provisions of this section and section 253.559, receive a credit against the taxes imposed pursuant to chapters 143 and 148, except for sections 143.191 to 143.265, on such taxpayer in an amount equal to twenty-five percent of the total costs and expenses of rehabilitation incurred after January 1, 1998, which shall include, but not be limited to, qualified rehabilitation expenditures as defined under section 47(c)(2)(A) of the Internal Revenue Code of 1986, as amended, and the related regulations thereunder, provided the rehabilitation costs associated with rehabilitation and the expenses exceed fifty percent of the total basis in the property and the rehabilitation meets standards consistent with the standards of the Secretary of the United States Department of the Interior for rehabilitation as determined by the state historic preservation officer of the Missouri department of natural resources.

2. During the period beginning on January 1, 2010, but ending on or after June 30, 2010, the department of economic development shall not approve applications for tax credits under the provisions of subsections 3 and 8 of section 253.559 which, in the aggregate, exceed seventy million dollars, increased by any amount of tax credits for which approval shall be rescinded under the provisions of section 253.559. For each fiscal year beginning on or after July 1, 2010, **but ending on or before June 30, 2011**, the department of economic development shall not approve applications for tax credits under the provisions of subsections 3 and 8 of section 253.559 which, in the aggregate, exceed one hundred forty million dollars, increased by any amount of tax credits for which approval shall be rescinded under the provisions of section 253.559. The limitations provided under this subsection shall not apply to applications approved under the provisions of subsection 3 of section 253.559 for projects to receive less than two hundred seventy-five thousand dollars in tax credits.

3. For all applications for tax credits approved on or after January 1, 2010, **but before June 30, 2011**, no more than two hundred fifty thousand dollars in tax credits may be issued for eligible costs and expenses incurred in the rehabilitation of an eligible property which is a nonincome producing single-family, owner-occupied residential property and is either a certified historic structure or a structure in a certified historic district.

4. The limitations on tax credit authorization provided under the provisions of subsections 2 and 3 of

this section shall not apply to:

(1) Any application submitted by a taxpayer, which has received approval from the department prior to January 1, 2010; or

(2) Any taxpayer applying for tax credits, provided under this section, which, on or before January 1, 2010, has filed an application with the department evidencing that such taxpayer:

(a) Has incurred costs and expenses for an eligible property which exceed the lesser of five percent of the total project costs or one million dollars and received an approved Part I from the Secretary of the United States Department of Interior; or

(b) Has received certification, by the state historic preservation officer, that the rehabilitation plan meets the standards consistent with the standards of the Secretary of the United States Department of the Interior, and the rehabilitation costs and expenses associated with such rehabilitation shall exceed fifty percent of the total basis in the property.

5. For each fiscal year beginning on or after July 1, 2011, the department of economic development shall not approve applications for tax credits under the provisions of subsections 3 and 8 of section 253.559 which, in the aggregate, exceed eighty million dollars, increased by any amount of tax credits for which approval shall be rescinded under the provisions of section 253.559. The limitations provided under this subsection shall not apply to applications approved under the provisions of subsection 3 of section 253.559 for projects to receive less than two hundred seventy-five thousand dollars in tax credits.

6. For all applications for tax credits approved on or after July 1, 2011, no more than one hundred and twenty-five thousand dollars in tax credits may be issued for eligible costs and expenses incurred in the rehabilitation of an eligible property which is a nonincome producing single-family, owner-occupied residential property and is either a certified historic structure or a structure in a certified historic district.

7. In lieu of the limitations on tax credit authorization provided under the provisions of subsections 5 and 6 of this section, the limitations on tax credit authorization provided under the provisions of subsections 2 and 3 of this section shall apply to:

(1) Any application submitted by a taxpayer, which has received approval from the department prior to July 1, 2011; or

(2) Any application for tax credits provided under this section for a project, which on or before July 1, 2011:

(a) Received an approved Part I from the Secretary of the United States Department of Interior and has incurred costs and expenses for an eligible property which exceed the lesser of fifteen percent of the total project costs or three million dollars; or

(b) Has received certification, by the state historic preservation officer, that the rehabilitation plan meets the standards consistent with the standards of the Secretary of the United States Department of the Interior, and the rehabilitation costs and expenses associated with such rehabilitation would, upon completion, be expected to exceed fifty percent of the total basis in the property.

8. For each fiscal year beginning on or after July 1, 2011, the department of economic development shall not approve applications for projects to receive less than two hundred seventy-five thousand dollars in tax credits which, in the aggregate, exceed ten million dollars, increased by any amount of tax credits for which approval shall be rescinded under the provisions of section 253.559. The limitations on tax credit authorization provided under the provisions of this subsection, shall not apply to:

(1) Any application submitted by a taxpayer, which has received approval from the department prior to July 1, 2011; or

(2) Any application for tax credits provided under this section for a project, which on or before July 1, 2011:

(a) Received an approved Part I from the Secretary of the United States Department of Interior and has incurred costs and expenses for an eligible property which exceed five percent of the total project costs; or

(b) Has received certification, by the state historic preservation officer, that the rehabilitation plan meets the standards consistent with the standards of the Secretary of the United States Department of the Interior, and the rehabilitation costs and expenses associated with such rehabilitation would, upon completion, be expected to exceed fifty percent of the total basis in the property.

253.557. 1. If the amount of such credit exceeds the total tax liability for the year in which the rehabilitated property is placed in service, the amount that exceeds the state tax liability may be carried back to any of the three preceding years and carried forward for credit against the taxes imposed pursuant to chapter 143 and chapter 148, except for sections 143.191 to 143.265 for the succeeding ten years, or until the full credit is used, whichever occurs first. **For all tax credits authorized under the provisions of sections 253.545 to 253.559 on or after July 1, 2011, if the total amount of such credit exceeds the total tax liability for the year in which the rehabilitated property is placed in service, the amount that exceeds the state tax liability may be carried back to the preceding year and carried forward for credit against the taxes imposed pursuant to chapters 143 and 148, except for sections 143.191 to 143.265 for the succeeding five years, or until the full credit is used, whichever occurs first.** Not-for-profit entities, including but not limited to corporations organized as not-for-profit corporations pursuant to chapter 355 shall be ineligible for the tax credits authorized under sections 253.545 [through 253.561] to 253.559. **Any taxpayer that receives state tax credits under the provisions of sections 135.350 to 135.363 for a project that is not financed through tax exempt bonds issuance shall be ineligible for the state tax credits authorized under sections 253.545 to 253.559 for the same project.** Taxpayers eligible for such tax credits may transfer, sell or assign the credits to **any other taxpayer including, but not limited to, a not-for-profit entity.** Credits granted to a partnership, a limited liability company taxed as a partnership or multiple owners of property shall be passed through to the partners, members or owners **including, but not limited to, any not-for-profit entity that is a partner, member, or owner,** respectively pro rata or pursuant to an executed agreement among [the] **such** partners, members or owners documenting an alternate distribution method.

2. The assignee of the tax credits, hereinafter the assignee for purposes of this subsection, may use acquired credits to offset up to one hundred percent of the tax liabilities otherwise imposed pursuant to chapter 143 and chapter 148, except for sections 143.191 to 143.265. The assignor shall perfect such transfer

by notifying the department of economic development in writing within thirty calendar days following the effective date of the transfer and shall provide any information as may be required by the department of economic development to administer and carry out the provisions of this section.

253.559. 1. To obtain approval for tax credits allowed under sections 253.545 to 253.559, a taxpayer shall submit an application for tax credits to the department of economic development. Each application for approval, including any applications received for supplemental allocations of tax credits as provided under subsection 8 of this section, shall be prioritized for review and approval, in the order of the date on which the application was postmarked, with the oldest postmarked date receiving priority. Applications postmarked on the same day shall go through a lottery process to determine the order in which such applications shall be reviewed.

2. Each application shall be reviewed by the department of economic development for approval. In order to receive approval, an application, other than applications submitted under the provisions of subsection 8 of this section, shall include:

(1) Proof of ownership or site control. Proof of ownership shall include evidence that the taxpayer is the fee simple owner of the eligible property, such as a warranty deed or a closing statement. Proof of site control may be evidenced by a leasehold interest or an option to acquire such an interest. If the taxpayer is in the process of acquiring fee simple ownership, proof of site control shall include an executed sales contract or an executed option to purchase the eligible property;

(2) Floor plans of the existing structure, architectural plans, and, where applicable, plans of the proposed alterations to the structure, as well as proposed additions;

(3) The estimated cost of rehabilitation, the anticipated total costs of the project, the actual basis of the property, as shown by proof of actual acquisition costs, the anticipated total labor costs, the estimated project start date, and the estimated project completion date;

(4) Proof that the property is an eligible property and a certified historic structure or a structure in a certified historic district; and

(5) Any other information which the department of economic development may reasonably require to review the project for approval. Only the property for which a property address is provided in the application shall be reviewed for approval. Once selected for review, a taxpayer shall not be permitted to request the review of another property for approval in the place of the property contained in such application. Any disapproved application shall be removed from the review process. If an application is removed from the review process, the department of economic development shall notify the taxpayer in writing of the decision to remove such application. Disapproved applications shall lose priority in the review process. A disapproved application, which is removed from the review process, may be resubmitted, but shall be deemed to be a new submission for purposes of the priority procedures described in this section.

3. If the department of economic development deems the application sufficient, the taxpayer shall be notified in writing of the approval for an amount of tax credits equal to the amount provided under section 253.550 less any amount of tax credits previously approved. Such approvals shall be granted to applications in the order of priority established under this section and shall require full compliance thereafter with all other requirements of law as a condition to any claim for such credits.

4. Following approval of an application, the identity of the taxpayer contained in such application shall

not be modified except:

(1) The taxpayer may add partners, members, or shareholders as part of the ownership structure, so long as the principal remains the same, provided however, that subsequent to the commencement of renovation and the expenditure of at least ten percent of the proposed rehabilitation budget, removal of the principal for failure to perform duties and the appointment of a new principal thereafter shall not constitute a change of the principal; or

(2) Where the ownership of the project is changed due to a foreclosure, deed in lieu of a foreclosure or voluntary conveyance, or a transfer in bankruptcy. **Upon any such change in ownership, the taxpayer contained in such application shall notify the department of such change.**

5. In the event that the department of economic development grants approval for tax credits equal to the **applicable** total amount available under subsection 2, **5, or 8** of section 253.550, or sufficient that when totaled with all other approvals, the **applicable** amount available under subsection 2, **5, or 8** of section 253.550 is exhausted, all taxpayers with applications then awaiting approval or thereafter submitted for approval shall be notified by the department of economic development that no additional approvals shall be granted during the fiscal year and shall be notified of the priority given to such taxpayer's application then awaiting approval. Such applications shall be kept on file by the department of economic development and shall be considered for approval for tax credits in the order established in this section in the event that additional credits become available due to the rescission of approvals or when a new fiscal year's allocation of credits becomes available for approval.

6. All taxpayers with applications receiving approval on or after the effective date of this act shall commence rehabilitation within two years of the date of issuance of the letter from the department of economic development granting the approval for tax credits. "Commencement of rehabilitation" shall mean that as of the date in which actual physical work, contemplated by the architectural plans submitted with the application, has begun, the taxpayer has incurred no less than ten percent of the estimated costs of rehabilitation provided in the application. Taxpayers with approval of a project shall submit evidence of compliance with the provisions of this subsection. If the department of economic development determines that a taxpayer has failed to comply with the requirements provided under this section, the approval for the amount of tax credits for such taxpayer shall be rescinded and such amount of tax credits shall then be included in the **applicable** total amount of tax credits, provided under subsection 2, **5, or 8** of section 253.550, from which approvals may be granted. Any taxpayer whose approval shall be subject to rescission shall be notified of such from the department of economic development and, upon receipt of such notice, may submit a new application for the project.

7. To claim the credit authorized under sections 253.550 to 253.559, a taxpayer with approval shall apply for final approval and issuance of tax credits from the department of economic development [which,]. **Such application for final approval and issuance of tax credits shall include a cost and expense certification, prepared by a licensed certified public accountant that is not an affiliate of the applicant, certifying the total costs and expenses of rehabilitation and the total amount of tax credits for which such taxpayer is eligible under sections 253.550 to 253.559. Cost and expense certifications required under this section shall separately state any accrued developer fees. No later than forty-five calendar days following receipt of a taxpayer's application for final approval and issuance of tax credits, the department of economic development shall determine, in consultation with the department of natural resources, [shall determine the final amount of eligible rehabilitation costs and expenses and] whether the**

completed rehabilitation meets the standards of the Secretary of the United States Department of the Interior for rehabilitation as determined by the state historic preservation officer of the Missouri department of natural resources. **If the completed rehabilitation meets such standards, the department of economic development shall, within forty-five calendar days following the receipt of the taxpayer's application for final approval and tax credit issuance, inform such taxpayer of its initial determination by letter and issue such taxpayer an initial tax credit issuance. A taxpayer receiving an initial tax credit issuance shall receive tax credit certificates in an amount equal the lesser of seventy-five percent of the total amount of tax credits for which the taxpayer is eligible under sections 253.550 to 253.559, as certified in the cost and expense certification, or the amount of tax credits approved for such project under subsection 3 of this section. Within one hundred and fifty calendar days following receipt of a taxpayer's application for final approval and tax credit issuance, the department shall determine the final amount of eligible rehabilitation costs and expenses. For a taxpayer receiving an initial tax credit issuance, no later than one hundred and fifty calendar days following receipt of such taxpayer's application for final approval and tax credit issuance, the department shall notify such taxpayer of its final determination by letter and issue such taxpayer tax credit certificates in an amount equal to the lesser of the remaining amount of tax credits for which such taxpayer is eligible to receive under sections 253.550 to 253.559, as determined by the department, or the remaining amount of tax credits for which such taxpayer was approved under subsection 3 of this section, but not issued under the initial tax credit issuance. If the department of economic development determines that the amount of tax credits issued to a taxpayer in the initial tax credit issuance is in excess of the total amount of tax credits such taxpayer is eligible to receive under sections 253.550 to 253.559, the department shall notify such taxpayer and such taxpayer shall repay the state an amount equal to such excess.** For financial institutions credits authorized pursuant to sections 253.550 to [253.561] **253.559** shall be deemed to be economic development credits for purposes of section 148.064. The approval of all applications and the issuing of certificates of eligible credits to taxpayers shall be performed by the department of economic development. [The department of economic development shall inform a taxpayer of final approval by letter and shall issue, to the taxpayer, tax credit certificates.] The taxpayer shall attach the certificate to all Missouri income tax returns on which the credit is claimed. **Taxpayers which receive tax credit certificates under sections 253.550 to 253.559, attributable to accrued developer fees shall, within six years of completion of rehabilitation, submit an additional cost and expense certification verifying the total amount of developer fees actually accrued and paid. To the extent the amount of developer fees contained in a taxpayer's cost and expense certification included with such taxpayers application for final approval and tax credit issuance exceeds the amount of developer fees actually accrued and paid, as evidenced by the additional cost and expense certification, such taxpayer shall repay to the state an amount equal to twenty-five percent of such excess.**

8. Except as expressly provided in this subsection, tax credit certificates shall be issued in the final year that costs and expenses of rehabilitation of the project are incurred, or within the twelve-month period immediately following the conclusion of such rehabilitation. In the event the amount of eligible rehabilitation costs and expenses incurred by a taxpayer would result in the issuance of an amount of tax credits in excess of the amount provided under such taxpayer's approval granted under subsection 3 of this section, such taxpayer may apply to the department for issuance of tax credits in an amount equal to such excess. Applications for issuance of tax credits in excess of the amount provided under a taxpayer's application shall be made on a form prescribed by the department. Such applications shall be subject to all provisions regarding priority provided under subsection 1 of this section.

9. The department of economic development shall determine, on an annual basis, the overall economic impact to the state from the rehabilitation of eligible property.

10. (1) Taxpayers or duly authorized representatives may appeal any official decision, including all preliminary or final approvals and denials of approvals, made by the department or the department of natural resources with regard to an application submitted under sections 253.550 to 253.559 to an independent third-party appeals officer designated by the department. Such appeals under this section shall constitute an administrative review of the decision appealed from and shall not be conducted as an adjudicative proceeding.

(2) Appeals shall be submitted to the designated appeals officer in writing within thirty days of receipt by the taxpayer or the taxpayer's duly authorized representative of the decision that is the subject of the appeal, and shall include all information the appellant wishes the appeals officer to consider in deciding the appeal.

(3) Upon receipt of an appeal, the appeals officer shall notify the department or the department of natural resources that an appeal is pending, identify the decision being appealed, and forward a copy of the information submitted by the appellant. The department or the department of natural resources may submit a written response to the appeal.

(4) The appellant shall be entitled to one meeting with the appeals officer to discuss the appeal, but the appeals officer may schedule additional meetings at the officer's discretion. The department or the department of natural resources may appear at all meetings.

(5) The appeals officer shall consider the record of the decision in question, any further written submissions by the appellant and the department or the department of natural resources, and other available information, and shall deliver a written decision to all parties as promptly as circumstances permit.

11. By no later than January 1, 2012, the department shall propose rules to implement the provisions of sections 253.550 to 253.559. Prior to proposing such rules, the department shall conduct a stakeholder process designed to solicit input from interested parties. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated herein shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this act, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR
HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 8, Page 42, Section 135.1321, Line 9, by inserting after all of said section and line the following:

“144.059. 1. As used in this section, the term “‘Made in USA’ product” means any new product

that supports a claim to be made in the United States under the policy on “Made in USA” claims enforced by the Federal Trade Commission, and that is not already exempt from state sales taxes under any provision of state law.

2. In each year beginning on or after January 1, 2012, but ending on or before December 31, 2013, there is hereby specifically exempted from state sales tax law all retail sales of any “Made in USA” product during a seven-day period beginning at 12:01 a.m. on July first and ending at midnight on July seventh, unless July first is a Sunday. If July first is a Sunday, the seven-day period shall begin on July second and end on July eighth. The exemption provided in this section shall apply only to the first fifteen thousand dollars of each purchase of a “Made in USA” product.

3. Any political subdivision may, by order or ordinance, allow the sales tax holiday established in this section to apply to its local sales taxes. A political subdivision shall notify the department of revenue not less than forty-five calendar days before the beginning date of the sales tax holiday occurring in that year of any order or ordinance applying the sales tax holiday to its local sales taxes.

4. After adopting an order or ordinance to apply the sales tax holiday established in this section to the political subdivision's local sales taxes, a political subdivision may, by order or ordinance, rescind the order or ordinance applying the sales tax holiday to its local sales taxes. The political subdivision shall notify the department of revenue not less than forty-five calendar days before the beginning date of the sales tax holiday occurring in that year of any order or ordinance rescinding an order or ordinance to apply the sales tax holiday to its local sales taxes.

5. This section shall not apply to any retailer when less than two percent of the retailer's merchandise offered for sale qualifies for the sales tax holiday. The retailer shall offer a sales tax refund in lieu of the sales tax holiday.

6. No sale of any motor vehicle, as defined in section 301.010, shall be exempt from any sales tax under this section.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

COMMUNICATIONS

On behalf of Senator Callahan, President Pro Tem Mayer submitted the following:

The Honorable Rob Mayer
President Pro-Tem of Missouri Senate
State Capitol Room 326
Jefferson City, Mo. 65101

October 6, 2011

Dear Senator Mayer,

I would respectfully ask that the Senator Maria Chappelle-Nadal be appointed to the Joint Interim Committee on State Employee Wages. Further, I would respectfully request that Senator Kiki Curls be appointed to the Task Force on the Prevention of Sexual Abuse of Children. Finally, I would respectfully request that Senator Robin Wright-Jones be appointed to the Missouri Task Force on Premature and Infant Mortality.

Please give me a call if you have any questions or need additional information.

Sincerely yours,

/s/ Victor Callahan

Victor E. Callahan

State Senator — 11th District

Also,

President Pro Tem Mayer submitted the following:

October 11, 2011

Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Bob Dixon to the following committee:

Joint Taskforce on the Prevention of Sexual Abuse of Children (Erin's Law)

Please feel free to contact me should you have any questions.

Sincerely,

/s/ Robert N. Mayer

Robert N. Mayer

President Pro Tem

On motion of Senator Dempsey, the Senate adjourned until 4:00 p.m., Monday, October 17, 2011.

SENATE CALENDAR

FOURTEENTH DAY—MONDAY, OCTOBER 17, 2011

FORMAL CALENDAR

HOUSE BILLS ON THIRD READING

HB 1-Nasheed and Tilley (Keaveny)
(In Fiscal Oversight)

HB 2-Flanigan, with SCS (Schaefer)
(In Fiscal Oversight)

INFORMAL CALENDAR

HOUSE BILLS ON THIRD READING

HCS for HB 3 (Engler)

SENATE BILLS WITH HOUSE AMENDMENTS

SS for SCS for SB 8-Mayer, with HCS, as amended

RESOLUTIONS

To be Referred

SR 60-Lembke, et al

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Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

FOURTEENTH DAY—MONDAY, OCTOBER 17, 2011

The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

Gracious God, we give You thanks for bringing us safely together to do the work You have called us to do. During this session interrupted we have been challenged and called to think outside of the box and that has not always been comfortable. These days are filled with frustration and concerns about our future as a state and country. So we ask that You guide us and direct our thoughts and actions this afternoon so that we might do what is most helpful for the people of this state and bring to a close this special session. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journals for Friday, September 23, 2011; Monday, September 26, 2011; Monday, October 3, 2011; Thursday, October 6, 2011; and Tuesday, October 11, 2011, were read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Curls	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Cunningham—1

Vacancies—None

RESOLUTIONS

Senator Schaaf offered Senate Resolution No. 138, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Harlan Herbster, St. Joseph, which was adopted.

Senator Schaaf offered Senate Resolution No. 139, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. William W. “Bill” Carpenter, Jr., St. Joseph, which was adopted.

On behalf of Senator Cunningham, Senator Dempsey offered Senate Resolution No. 140, regarding Edward Wagner, St. Charles, which was adopted.

Senator Curls offered Senate Resolution No. 141, regarding Mothers of Incarcerated Sons and Daughters, which was adopted.

Senator Schmitt offered Senate Resolution No. 142, regarding the Ninetieth Anniversary of Gross & Janes Company, Kirkwood, which was adopted.

Senator Schmitt offered Senate Resolution No. 143, regarding the death of Robert James “Bob” Cassilly, Jr., St. Louis, which was adopted.

Senator Lager offered Senate Resolution No. 144, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. C.R. “Dick” Dunn, Maitland, which was adopted.

Senator Lager offered Senate Resolution No. 145, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Russ Baldwin, Hopkins, which was adopted.

Senator Lager offered Senate Resolution No. 146, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Donald Meek, Chula, which was adopted.

Senator Lager offered Senate Resolution No. 147, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ivan Taylor, Trenton, which was adopted.

Senator Lager offered Senate Resolution No. 148, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Rolland Hersh, Ravenwood, which was adopted.

Senator Lager offered Senate Resolution No. 149, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Marvin Florea, Maryville, which was adopted.

Senator Lager offered Senate Resolution No. 150, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Larry Carmack, Green City, which was adopted.

Senator Lager offered Senate Resolution No. 151, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bill Treese, Maryville, which was adopted.

Senator Lager offered Senate Resolution No. 152, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Paul Persell, Trenton, which was adopted.

Senator Lager offered Senate Resolution No. 153, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bill Spalding, Hopkins, which was adopted.

Senator Lager offered Senate Resolution No. 154, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Virgil Miles, Mound City, which was adopted.

On behalf of Senator Cunningham, Senator Dempsey offered Senate Resolution No. 155, regarding Charles H. Wunderlich, Ballwin, which was adopted.

Senator Dempsey offered Senate Resolution No. 156, regarding James A. Woody, Saint Charles, which was adopted.

Senator Lager offered Senate Resolution No. 157, regarding the Fiftieth Wedding Anniversary of Mr.

and Mrs. Raymond “Tillie” Porterfield, Maryville, which was adopted.

Senator Lager offered Senate Resolution No. 158, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Frank Travis, which was adopted.

Senator Lager offered Senate Resolution No. 159, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Arnold Hughes, Rosendale, which was adopted.

Senator Lager offered Senate Resolution No. 160, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Kenneth Strauch, Skidmore, which was adopted.

Senator Lager offered Senate Resolution No. 161, regarding the One Hundredth Birthday of Pauline Reardon, Plattsburg, which was adopted.

Senator Schmitt offered Senate Resolution No. 162, regarding Mary Binggeli, St. Louis, which was adopted.

Senator Goodman offered Senate Resolution No. 163, regarding Lane Smith, Taneyville, which was adopted.

Senator Richard offered Senate Resolution No. 164, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bernard Means, Lockwood, which was adopted.

Senator Richard offered Senate Resolution No. 165, regarding Ted Krygiel, which was adopted.

Senator Richard offered Senate Resolution No. 166, regarding Mark Lindquist, Joplin, which was adopted.

Senator Mayer offered Senate Resolution No. 167, regarding J.D. Wagster, Malden, which was adopted.

Senator Mayer offered Senate Resolution No. 168, regarding Cleo Crofford, Poplar Bluff, which was adopted.

Senator Mayer offered Senate Resolution No. 169, regarding Inez Abner, Bell City, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 170, regarding the death of Anna May Slay, St. Louis, which was adopted.

Senator Dixon offered Senate Resolution No. 171, regarding Joshua David Arthur Wendt, which was adopted.

Senator Dixon offered Senate Resolution No. 172, regarding Matthew Aaron Klika, which was adopted.

Senator Dixon offered Senate Resolution No. 173, regarding Josh Clark, which was adopted.

Senator Dixon offered Senate Resolution No. 174, regarding Jesse Adam Wilson, which was adopted.

Senator Wasson offered Senate Resolution No. 175, regarding the 27th Annual Salute to Construction, which was adopted.

Senator Keaveny offered Senate Resolution No. 176, regarding Mark Stansberry, St. Louis, which was adopted.

Senators Schmitt, Schaefer, Green, Lager, Richard, Lamping, Wasson, Purgason, Rupp, McKenna, Mayer, Munzlinger, Goodman, Parson, Brown, Kehoe, Dempsey, Lembke, Ridgeway, Schaaf, Kraus, Stouffer, Engler, Callahan, Chappelle-Nadal and Justus offered the following resolution, which was read:

SENATE RESOLUTION NO. 177

WHEREAS, Missouri has an extensive history of supporting our military and strengthening our nation; and

WHEREAS, our military personnel and their families receive peace of mind from the fact that they have the F/A-18E/F, which is the most capable, next-generation, multi-role strike fighter flying in combat today, ensuring their safety, protecting our nation, and securing peace around the world; and

WHEREAS, the F/A-18E/F is the most capable, multi-role strike fighter in production today and will continue to provide air superiority to the United States and its allies for the next generation; and

WHEREAS, over twenty-four thousand retirees and over fifteen thousand hard working employees in Missouri contribute to the success of programs like the F/A-18E/F; and

WHEREAS, in 2010 nine hundred sixty-nine Missouri suppliers had purchases of approximately seven hundred sixty-four million dollars worth of supplies for programs such as the F/A-18E/F, further contributing to the sustainability of Missouri jobs and making a substantial economic impact on Missouri; and

WHEREAS, the United States invested in a multi-year procurement of F/A-18E/F aircraft in 2010 continuing through 2014 which will save the taxpayer over eight hundred eighteen million dollars; and

WHEREAS, every F/A-18E/F aircraft has been delivered to our military on time and at cost, providing the only capable and affordable multi-strike fighter today; and

WHEREAS, limiting the production of the F/A-18E/F program would cause an adverse economic impact to Missouri:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-sixth General Assembly, First Extraordinary Session, hereby urge the United States Congress to recognize the importance of the F/A-18E/F to the State of Missouri, our military, and our national security, and support the continued production and full funding of the F/A-18E/F program; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Missouri Congressional delegation.

Senator Dempsey announced that photographers from KMIZ and Missouri News Horizon were given permission to take pictures in the Senate Chamber today.

REFERRALS

President Pro Tem Mayer referred **SR 60** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

PRIVILEGED MOTIONS

Senator Mayer moved that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SB 8**, as amended, and request the House to recede from its position and take up and pass **SS** for **SCS** for **SB 8**, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Engler moved that **HCS** for **HB 3** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Engler offered **SS** for **HCS** for **HB 3**, entitled:

SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 3

An Act to repeal sections 115.123 and 115.755, RSMo, and to enact in lieu thereof two new sections relating to the presidential preference primary.

Senator Engler moved that **SS** for **HCS** for **HB 3** be adopted.

Senator Engler offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 3, Page 2, Section 115.755, Line 27 of said page, by inserting after all of said line the following:

“Section B. Because of the need for the Secretary of State to have adequate time to comply with the provisions of this act, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Engler moved that the above amendment be adopted, which motion prevailed.

Senator Schmitt offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Committee Substitute for House Bill No. 3, Page 1, Section 115.123, Line 13 of said page, by inserting after “2.” the following: “**For the 2012 presidential year, an election for a presidential primary held pursuant to sections 115.758 to 115.785 shall be held on the first Tuesday after the first Monday in March.**”; and

Further amend said bill and section, Page 2, Line 2 of said page, by striking the following: “This subsection”; and further amend lines 3 and 4 of said page, by striking said lines; and

Further amend said bill, Page 2, Section 115.755, Line 25 of said page, by striking the following: “This section and”; and further amend lines 26 and 27 of said page, by striking all of said lines.

Senator Schmitt moved that the above amendment be adopted.

Senator Lager offered **SA 1** to **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for House Committee Substitute for House Bill No. 3, Page 1, Line 5, by striking the word “March”, and inserting in lieu thereof, the following: “**February**”.

Senator Lager moved that the above amendment be adopted.

Senator Rupp raised the point of order that **SA 1** to **SA 2** is out of order as it is dilatory.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Lager offered **SA 2** to **SA 2**, which was read:

SENATE AMENDMENT NO. 2 TO
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for House Committee Substitute for House Bill No. 3, Page 1, Line 5, by striking the word “March”, and inserting in lieu thereof, the following: “**January**”.

Senator Lager moved that the above amendment be adopted.

Senator Ridgeway assumed the Chair.

Senator Green requested a roll call vote be taken on the adoption of **SA 2** to **SA 2** and was joined in his request by Senators Engler, Justus, Lager and Lamping.

SA 2 to **SA 2** failed of adoption by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Green	Keaveny	Lager	Lamping	McKenna	Purgason
Ridgeway	Schaefer—10						

NAYS—Senators

Callahan	Curls	Dempsey	Dixon	Engler	Goodman	Justus	Kehoe
Kraus	Lembke	Mayer	Munzlinger	Nieves	Parson	Pearce	Richard
Rupp	Schaaf	Schmitt	Stouffer	Wasson	Wright-Jones—22		

Absent—Senators—None

Absent with leave—Senators

Crowell	Cunningham—2
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Vacancies—None

SA 2 was again taken up.

Senator Schaefer offered **SA 3** to **SA 2**, which was read:

SENATE AMENDMENT NO. 3 TO
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for House Committee Substitute for House Bill No. 3, Page 1, Line 12, by inserting immediately after the word, “lines”, the following: “and inserting in lieu thereof, the following:

“Section 1. No presidential candidate shall appear on a ballot for the office of the president of the United States for an established political party in a presidential election unless such candidate has appeared on a presidential preference primary for that presidential election.”; and

Further amend the title and enacting clause accordingly.”

Senator Schaefer moved that the above amendment be adopted, which motion failed.

SA 2 was again taken up.

Senator Schmitt moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Green, Justus, Keaveny and Schaaf.

SA 2 failed of adoption by the following vote:

YEAS—Senators

Brown	Callahan	Curls	Goodman	Justus	Keaveny	Lager	McKenna
Ridgeway	Schaaf	Schmitt	Wright-Jones—12				

NAYS—Senators

Chappelle-Nadal	Dempsey	Dixon	Engler	Green	Kehoe	Kraus	Lamping
Lembke	Mayer	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard
Rupp	Schaefer	Stouffer	Wasson—20				

Absent—Senators—None

Absent with leave—Senators

Crowell Cunningham—2

Vacancies—None

Senator Engler moved that **SS** for **HCS** for **HB 3** be adopted.

Senator Green requested a roll call vote be taken and was joined in his request by Senators Callahan, Dixon, Engler and Justus.

SS for **HCS** for **HB 3** failed of adoption by the following vote:

YEAS—Senators

Dempsey	Dixon	Engler	Kehoe	Kraus	Lembke	Mayer	Munzlinger
Nieves	Parson	Pearce	Richard	Rupp	Schaaf	Stouffer	Wasson—16

NAYS—Senators

Brown	Callahan	Chappelle-Nadal	Curls	Goodman	Green	Justus	Keaveny
Lager	Lamping	McKenna	Purgason	Ridgeway	Schaefer	Schmitt	Wright-Jones—16

Absent—Senators—None

Absent with leave—Senators

Crowell Cunningham—2

Vacancies—None

At the request of Senator Engler, **HCS** for **HB 3** was placed on the Informal Calendar.

COMMUNICATIONS

President Pro Tem Mayer submitted the following:

October 12, 2011

Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Rob Schaaf to the following committee:

Missouri Task Force on Prematurity and Infant Mortality

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

Also,

October 13, 2011

Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Will Kraus to the following committee:

Missouri Task Force on Prematurity and Infant Mortality

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

Also,

October 13, 2011

Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Will Kraus to the following committee:

Missouri Workforce Investment Board

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

Also,

October 17, 2011

Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Mr. Brett Dorton, 231 South Park Lane, Dexter, MO 63841, as the public member of the following committee:

Joint Interim Committee on State Employee Wages

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Schaaf introduced to the Senate, Mary and Ben Pecora, St. Joseph.

On motion of Senator Dempsey, the Senate adjourned until 12:00 p.m., Tuesday, October 25, 2011.

SENATE CALENDAR

FIFTEENTH DAY—TUESDAY, OCTOBER 25, 2011

FORMAL CALENDAR

HOUSE BILLS ON THIRD READING

HB 1-Nasheed and Tilley (Keaveny)
(In Fiscal Oversight)

HB 2-Flanigan, with SCS (Schaefer)
(In Fiscal Oversight)

INFORMAL CALENDAR

HOUSE BILLS ON THIRD READING

HCS for HB 3 (Engler)

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

Requests to Recede or Grant Conference

SS for SCS for SB 8-Mayer, with HCS, as amended
(Senate requests House recede and pass the bill)

RESOLUTIONS

To be Referred

SR 177-Schmitt, et al

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Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

FIFTEENTH DAY—TUESDAY, OCTOBER 25, 2011

The Senate met pursuant to adjournment.

President Pro Tem Mayer in the Chair.

Photographers from KRCG-TV, ABC-17 and KOMU were given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

On behalf of Senator Nieves, Senator Dempsey offered Senate Resolution No. 178, regarding Inez Rohrer, Washington, which was adopted.

On behalf of Senator Richard, Senator Dempsey offered Senate Resolution No. 179, regarding Daria Claiborne, Joplin, which was adopted.

On behalf of Senator Richard, Senator Dempsey offered Senate Resolution No. 180, regarding the Fiftieth Anniversary of Webb City High School Class of '61, which was adopted.

On behalf of Senator Wright-Jones, Senator Dempsey offered Senate Resolution No. 181, regarding Carla Moore, Stoddard County, which was adopted.

On behalf of Senator Wright-Jones, Senator Dempsey offered Senate Resolution No. 182, regarding Raymond Howard, which was adopted.

On behalf of Senator Wright-Jones, Senator Dempsey offered Senate Resolution No. 183, regarding James R. Neely, Jr., which was adopted.

On behalf of Senator Richard, Senator Dempsey offered Senate Resolution No. 184, regarding the Seventy-fifth Anniversary of the Newton County Courthouse, Neosho, which was adopted.

On behalf of Senator Richard, Senator Dempsey offered Senate Resolution No. 185, regarding Edwin W. Parker, which was adopted.

On behalf of Senator Crowell, Senator Dempsey offered Senate Resolution No. 186, regarding the

Seventieth Wedding Anniversary of Mr. and Mrs. Henry Davis, Jackson, which was adopted.

On behalf of Senator Crowell, Senator Dempsey offered Senate Resolution No. 187, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Doug Wessell, Jackson, which was adopted.

On behalf of Senator Kehoe, Senator Dempsey offered Senate Resolution No. 188, regarding Judy Glover, Jefferson City, which was adopted.

On behalf of Senator Kehoe, Senator Dempsey offered Senate Resolution No. 189, regarding The Salvation Army Jefferson City Corps, which was adopted.

On behalf of Senator Engler, Senator Dempsey offered Senate Resolution No. 190, regarding the One Hundred Third Birthday of Irene Peek, Pilot Knob, which was adopted.

On behalf of Senator Rupp, Senator Dempsey offered Senate Resolution No. 191, regarding Etta Sherman, Troy, which was adopted.

On behalf of Senator Dixon, Senator Dempsey offered Senate Resolution No. 192, regarding Gary Whitaker, which was adopted.

On behalf of Senator Dixon, Senator Dempsey offered Senate Resolution No. 193, regarding Helen Brumitt, Springfield, which was adopted.

On behalf of Senator Curls, Senator Dempsey offered Senate Resolution No. 194, regarding Wiley College Debate Team and Wiley College Forensics Director Christopher Medina, which was adopted.

On behalf of Senator Goodman, Senator Dempsey offered Senate Resolution No. 195, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jack R. Daugherty, Mount Vernon, which was adopted.

On behalf of Senator Lembke, Senator Dempsey offered Senate Resolution No. 196, regarding the death of Linda Kunz, which was adopted.

On behalf of Senator Lembke, Senator Dempsey offered Senate Resolution No. 197, regarding Scott Andrew “Scotty” Salzman, St. Louis, which was adopted.

On behalf of Senator Richard, Senator Dempsey offered Senate Resolution No. 198, regarding Elks Lodge #2251 and its Ladies Auxiliary, Tempe, Arizona, which was adopted.

On behalf of Senator Brown, Senator Dempsey offered Senate Resolution No. 199, regarding Susan Hand, Rolla, which was adopted.

On behalf of Senator Brown, Senator Dempsey offered Senate Resolution No. 200, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert Huffman, Vienna, which was adopted.

On behalf of Senator Brown, Senator Dempsey offered Senate Resolution No. 201, regarding the One Hundredth Anniversary of Belle United Methodist Church, which was adopted.

On behalf of Senator Lamping, Senator Dempsey offered Senate Resolution No. 202, regarding Paul Lam, which was adopted.

On behalf of Senator Lamping, Senator Dempsey offered Senate Resolution No. 203, regarding Alex Motley, St. Louis, which was adopted.

On behalf of Senator Richard, Senator Dempsey offered Senate Resolution No. 204, regarding the Missouri National Guard Camp Crowder Training Site, Neosho, which was adopted.

On behalf of Senator Stouffer, Senator Dempsey offered Senate Resolution No. 205, regarding Ruby Daniel, Richmond, which was adopted.

On behalf of Senator Stouffer, Senator Dempsey offered Senate Resolution No. 206, regarding the One Hundred Fiftieth Anniversary of Salem Lutheran Church, Salisbury, which was adopted.

On behalf of Senator Parson, Senator Dempsey offered Senate Resolution No. 207, regarding Josiah Jensen, which was adopted.

On behalf of Senator Parson, Senator Dempsey offered Senate Resolution No. 208, regarding Tytus Breshears, which was adopted.

On behalf of Senators Goodman and Kraus, Senator Dempsey offered Senate Resolution No. 209, regarding the One Hundredth Birthday of Esther Nobe Barber, Lee's Summit, which was adopted.

On behalf of Senators Goodman and Engler, Senator Dempsey offered Senate Resolution No. 210, regarding the One Hundredth Birthday of Meta Nobe Knaust, Centerville, which was adopted.

On behalf of Senator Lager, Senator Dempsey offered Senate Resolution No. 211, regarding Lana Smith, Stanberry, which was adopted.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

October 21, 2011

TO THE SECRETARY OF THE SENATE
96TH GENERAL ASSEMBLY
FIRST EXTRAORDINARY SESSION
STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bill No. 1 entitled:

AN ACT

To repeal section 162.069, RSMo, and to enact in lieu thereof one new section relating to communications between school district employees and students.

On October 21, 2011, I approved said Senate Committee Substitute for Senate Bill No. 1.

My approval of Senate Committee Substitute for Senate Bill No. 1 is provided after considerable deliberation. Although it eliminates particularly egregious provisions that were contained in Senate Committee Substitute for Senate Bill No. 54, passed during the First Regular Session of the Ninety-Sixth General Assembly, Senate Committee Substitute for Senate Bill No. 1 is not without flaws.

First, Senate Committee Substitute for Senate Bill No. 1 requires each school district to promulgate a policy directed at the use of electronic communication between staff members and students rather than its substance and the policy must be drafted in a manner that will "prevent" improper communications. School districts may find it challenging to promulgate a policy that erects adequate restrictions around the use of electronic media sufficient to "prevent" improper communications without also preventing otherwise appropriate communications.

Second, under Senate Committee Substitute for Senate Bill No. 1, a school district will need to determine whether its policy applies to "employees," as that term is used in 162.069.1, RSMo, or "staff members," as that term is used in 162.069.1(2), RSMo, to the extent such terms have different meanings.

These challenges could have been avoided with a more deliberative approach, which is why my Special Message was narrowly drafted to effectuate immediate relief for educators by simply repealing the offending provisions of Senate Committee Substitute for Senate Bill No. 54.

Nonetheless, Senate Committee Substitute for Senate Bill No. 1 is an improvement – primarily through subtraction – over Senate Committee Substitute for Senate Bill No. 54. Senate Committee Substitute for Senate Bill No. 1 eliminates three of the problematic provisions of Senate Committee Substitute for Senate Bill No. 54, and Senate Committee Substitute for Senate Bill No. 1 will give school districts an additional two months, until March 1, 2012, to promulgate policies. Senate Committee Substitute for Senate Bill No. 1 is not perfect, but the alternative of educators having to conform to the unreasonable restrictions of Senate Committee Substitute for Senate Bill No. 54 is a far worse result.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

October 21, 2011

TO THE SECRETARY OF THE SENATE
96TH GENERAL ASSEMBLY
FIRST EXTRAORDINARY SESSION
STATE OF MISSOURI

Herewith I return to you Senate Substitute for Senate Committee Substitute for Senate Bill No. 7 entitled:

AN ACT

To repeal sections 196.1109, 196.1115, 348.251, 348.253, 348.256, 348.261, 348.262, 348.263, 348.264, 348.271, and 348.300, RSMo, and to enact in lieu thereof fourteen new sections relating to science and innovation, with a contingent effective date.

On October 21, 2011, I approved said Senate Substitute for Senate Committee Substitute for Senate Bill No. 7.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

COMMUNICATIONS

President Pro Tem Mayer submitted the following:

October 19, 2011

Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Jane Cunningham to the following committee:

Task Force on the Prevention of Sexual
Abuse of Children (Erin's Law)

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

On behalf of Senators Callahan and Chappelle-Nadal, President Pro Tem Mayer submitted the following:

October 24, 2011

Senator Victor Callahan
Minority Floor Leader
Missouri State Senate
State Capitol Building
Jefferson City, MO 65101

Dear Senator Callahan:

This letter is to inform you that I am unable to serve on the Joint Interim Committee on State Employee Wages at this time. Please remove me from the committee.

Thank you for your consideration.

Sincerely,
/s/ Maria Chappelle-Nadal
MARIA CHAPPELLE-NADAL
State Senator, District 14

On motion of Senator Dempsey, the Senate of the First Extraordinary Session of the First Regular Session of the 96th General Assembly adjourned sine die, pursuant to the Constitution.

PETER D. KINDER
Lieutenant Governor

TERRY L. SPIELER
Secretary of Senate

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Journal of the Senate

NINETY-SIXTH GENERAL ASSEMBLY

OF THE

STATE OF MISSOURI

FIRST REGULAR SESSION

VETO SESSION

WEDNESDAY, SEPTEMBER 14, 2011

The Senate was called to order in Veto Session by Lieutenant Governor Peter Kinder.

Reverend Carl Gauck offered the following prayer:

“Prayer is faith passing into action.” (Richard Cecil)

Constitutionally, this day requires us to move into action, to make decisions and vote as is appropriate; and so we do so with prayer first and considerations to follow. So bless us and guide us this day, we pray to You, O Lord, and may our actions be completed as You desire them. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Dempsey offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1

BE IT RESOLVED by the Senate that the Secretary of Senate inform the House of Representatives that the Senate is duly convened and is now in session as provided by Article III, Section 32 of the Constitution and is ready for the consideration of its business.

Senator Dempsey offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 2

BE IT RESOLVED by the Senate that the rules of the Senate, as adopted by the Ninety-sixth General Assembly, First Regular Session, be declared to be the rules of the Veto Session of the Ninety-sixth General Assembly.

COMMUNICATIONS FROM THE GOVERNOR

The following communications, regarding vetoed Senate bills, were received by the Secretary of State, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

June 17, 2011

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you House Committee Substitute No. 2 for Senate Bill No. 3 entitled:

AN ACT

To repeal section 115.427, RSMo, and to enact in lieu thereof two new sections relating to elections, with a contingent effective date.

I disapprove of House Committee Substitute No. 2 for Senate Bill No. 3. My reasons for disapproval are as follows:

Pending approval of a constitutional amendment, House Committee Substitute No. 2 for Senate Bill No. 3 would require a government-issued photo identification to vote. This new mandate would disproportionately impact senior citizens and persons with disabilities, among others, who are qualified to vote and have been lawfully voting since becoming eligible to do so, but are less likely to have a driver's license or government-issued photo ID. Disenfranchising certain classes of persons is not acceptable.

House Committee Substitute No. 2 for Senate Bill No. 3 imposes unnecessary burdens on senior citizens and persons with disabilities, for example, who do not have a government-issued photo ID, with no guarantee that, in the end, their vote will count. House Committee Substitute No. 2 for Senate Bill No. 3 first requires them to execute a legally-binding affidavit explaining why they lack a government-issued photo ID. After executing the affidavit, the senior citizen, person with a disability and anyone else who lacks a government-issued photo ID for the reason identified in the affidavit is not permitted to cast a regular ballot and is instead given a provisional ballot. Even after meeting these requirements mandated by House Committee Substitute No. 2 for Senate Bill No. 3, their vote will not be counted unless the election authority compares their signature on the affidavit with their signature on file – a signature that may bear little resemblance to their current signature because it was written decades before – and determines that the two signatures match. Placing a cloud of uncertainty over ballots cast by qualified voters is inconsistent with an individual's right to vote and have that vote counted. In addition, for those citizens wanting to avoid the uncertainty of a provisional ballot, House Committee Substitute No. 2 for Senate Bill No. 3 would require them to navigate a costly and time-consuming process to obtain a government-issued photo ID. House Committee Substitute No. 2 for Senate Bill No. 3 does not meet with my approval, because it is unacceptable to impede or discourage citizens from voting who have lawfully cast ballots their entire adult lives.

In accordance with the reasons for disapproval stated above, I am returning House Committee Substitute No. 2 for Senate Bill No. 3 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

Wednesday, September 14, 2011

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GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

July 6, 2011

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you House Committee Substitute for Senate Substitute for Senate Bill No. 118, entitled:

AN ACT

To repeal sections 198.006 and 198.074, RSMo, and to enact in lieu thereof two new sections relating to sprinkler system requirements in long-term care facilities.

I disapprove of House Committee Substitute for Senate Substitute for Senate Bill No. 118. My reasons for disapproval are as follows:

Legislation passed in 2007 required sprinkler systems for certain long-term care facilities. The critical need for this legislation was made clear when eleven individuals died in a fire at the Anderson Guest House in Anderson, Missouri, a group home for individuals with disabilities. The fire tore through the roof and engulfed an entire section of the building before firefighters arrived. Ten residents died of smoke inhalation, and one employee died while heroically attempting to save their lives.

House Committee Substitute for Senate Substitute for Senate Bill No. 118 would delay the date for installation of sprinkler systems by two years, until December 31, 2014. These institutions already have had four years to comply with this vital safety requirement, yet almost 100 facilities subject to the statute, with the capacity to care for over 4,000 of our citizens, remain without approved sprinkler systems today. That is unacceptable.

Under current law, these facilities still have nearly eighteen months to come into compliance. This bill would delay the date by which sprinklers must be installed by three and one-half years from today, and over eight years since the Anderson Guest House fire. Delaying the date by which these sprinkler systems must be installed for another two years places Missouri's seniors and individuals with disabilities at an unacceptable risk. As we saw with the tragedy in Anderson, this is a matter of life and death.

In accordance with the above stated reasons for disapproval, I am returning House Committee Substitute for Senate Substitute for Senate Bill No. 118 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

July 7, 2011

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you House Committee Substitute for Senate Committee Substitute for Senate Bill No. 163 entitled:

AN ACT

To repeal sections 172.030, 173.005, and 174.450, RSMo, and to enact in lieu thereof three new sections relating to higher education governing boards, with an existing penalty provision.

I disapprove of House Committee Substitute for Senate Committee Substitute for Senate Bill No. 163. My reasons for disapproval are as follows:

House Committee Substitute for Senate Committee Substitute for Senate Bill No. 163 was truly agreed to and finally passed on May 5, 2011. Three days earlier, on May 2, 2011, I approved House Committee Substitute for House Bill No. 174, which is identical to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 163. As the identical provisions of House Committee Substitute for Senate Committee Substitute for Senate Bill No. 163 will become law through my previous approval of House Committee Substitute for House Bill No. 174, it is unnecessary to approve this duplicative legislation.

In accordance with the above stated reasons for disapproval, I am returning House Committee Substitute for Senate Committee Substitute for Senate Bill No. 163 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY

65102

July 8, 2011

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you House Committee Substitute for Senate Bill No. 220 entitled:

AN ACT

To repeal sections 429.015 and 516.098, RSMo, and to enact in lieu thereof three new sections relating to liens for architects, professional engineers, land surveyors, and landscape architects.

I disapprove of House Committee Substitute for Senate Bill No. 220. My reasons for disapproval are as follows:

House Committee Substitute for Senate Bill No. 220 provides immunity to architects, landscape architects, land surveyors and professional engineers through a nebulous process that is ripe for manipulation, lacks transparency and potentiates conflicts of interest. Approval of this bill would reduce public safety and diminish the accountability of design professionals while substantially denying access to the courts by individuals injured through the negligent acts of these professionals.

House Committee Substitute for Senate Bill No. 220 does not establish a robust peer review process. The bill does not impose specific qualifications on the reviewers – other than being licensed under chapter 327, RSMo – and does not prohibit participation by professionals with an interest in the project being reviewed. Moreover, the bill is silent on procedural requirements, as well as the extent to which a record, if any, is to be kept of its proceedings and whether written findings or recommendations are required to be created. House Committee Substitute for Senate Bill No. 220 also cloaks the entire process in secrecy by strictly prohibiting the disclosure of “any information acquired in connection with or in the course of [the] proceeding, or to disclose any opinion, recommendation, or evaluation of the peer reviewer or any member of a peer review committee.”

Despite the insufficient process established in the bill, House Committee Substitute for Senate Bill No. 220 nevertheless rewards participants in the review process with broad immunity from civil liability. Most concerning is that this includes immunity for the design professional whose project is being reviewed. Under House Committee Substitute for Senate Bill No. 220, a design professional can submit a proposed project for review and enjoy immunity from civil liability simply by acting upon the recommendations of his peers “so long as the acts are performed in good faith, without malice, and are reasonably related to the scope of inquiry of the peer review process.” The fact that House Committee Substitute for Senate Bill No. 220 allows for partners, co-workers or others with an interest in the project to serve as reviewers – in secret – and then blanket the project with immunity underscores the fundamental flaws in this legislation and the bad public policy it promotes.

House Committee Substitute for Senate Bill No. 220 provides extraordinary protections to design professionals through an unacceptable process with minimal structure, a lack of transparency, a disregard for conflict of interest concerns, and the granting of broad immunity to not only the peer participants but also the design professionals whose project is being reviewed.

In accordance with the above stated reasons for disapproval, I am returning House Committee Substitute for Senate Bill No. 220 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

July 8, 2011

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI:

Herewith I return to you Conference Committee Substitute for House Committee Substitute for Senate Bill No. 282, entitled:

AN ACT

To repeal sections 28.190, 29.280, 30.060, 30.070, 30.080, 52.010, 54.033, 54.330, 78.090, 105.030, 105.040, 105.050, 115.015, 115.123, 115.124, 115.127, 115.241, 115.293, 115.342, 115.601, 115.637, 115.755, and 115.761, RSMo, and to enact in lieu thereof twenty-three new sections relating to elections, with penalty provisions.

I disapprove of Conference Committee Substitute for House Committee Substitute for Senate Bill No. 282. My reasons for disapproval are as follows:

Conference Committee Substitute for House Committee Substitute for Senate Bill No. 282 contains several provisions relating to elections. Those provisions include the moving of the Missouri presidential primary to the first Tuesday after the first Monday in March. I support that change and its inclusion in Conference Committee Substitute for House Committee Substitute for Senate Bill No. 282 was not a factor in my decision to disapprove this legislation. However, the bill contains other provisions that I view as unacceptable and necessitating today's action.

Conference Committee Substitute for House Committee Substitute for Senate Bill No. 282 cancels elections in more than 900 municipalities with a population below 35,000 when the number of candidates is equal to the number of positions to be filled. Approval of Conference Committee Substitute for House Committee Substitute for Senate Bill No. 282 would preclude citizens from electing a candidate through the write-in process when the number of declared candidates is equal to the number of available positions. This is especially important should voters learn something negative about the declared candidate after the deadline for filing but before the election. In short, the write-in ballot procedure is a valuable component of the electoral process that must not be sacrificed for theoretical efficiency.

Conference Committee Substitute for House Committee Substitute for Senate Bill No. 282 would also require the Governor to call a special election to complete the current term of a vacancy occurring in the offices of U.S. Senator and several statewide elected offices. This provision would require a special election to be called, regardless of the time remaining before the next regularly scheduled election for that office, at an estimated cost to Missouri taxpayers of \$7 million.

In accordance with the above stated reasons for disapproval, I am returning Conference Committee Substitute for House Committee Substitute for Senate Bill No. 282 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Senator Dempsey moved that the Senate proceed to the order of business, Vetoed Bills, and that the calendar be called, which motion prevailed.

HCS No. 2 for SB 3 was called thereafter and no motion was taken thereon.

HCS for SS for SB 118 was called thereafter and no motion was taken thereon.

HCS for SCS for SB 163 was called thereafter and no motion was taken thereon.

HCS for SB 220 was called thereafter and no motion was taken thereon.

CCS for HCS for SB 282 was called thereafter and no motion was taken thereon.

RESOLUTIONS

Senator Dempsey offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 3

BE IT RESOLVED by the Senate that the Secretary of Senate inform the House of Representatives that the Senate, having been duly convened as provided by Article III, Section 32 of the Constitution, made no motion to override the Governor's veto of House Committee Substitute No. 2 for Senate Bill No. 3; House Committee Substitute for Senate Substitute for Senate Bill No. 118; House Committee Substitute for Senate Committee Substitute for Senate Bill No. 163; House Committee Substitute for Senate Bill No. 220 and Conference Committee Substitute for House Committee Substitute for Senate Bill No. 282 when the bills were so called by the President.

Senator Stouffer assumed the Chair.

On motion of Senator Dempsey, the Senate recessed until 1:45 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Schmitt.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 1**.

HOUSE RESOLUTION NO. 1

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-sixth General Assembly, First Regular Session, inform the Governor and the Senate that the House is duly convened and is now in session in the 2011 Constitutional Veto Session and ready for consideration of business.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 2**.

HOUSE RESOLUTION NO. 2

BE IT RESOLVED by the House of Representatives, that the Chief Clerk of the House of Representatives inform the Senate that the House, having been duly convened as provided by Section 32, Article III of the Constitution, made no motions to override the Governor's vetoes on **CCS** for **SCS** for **HCS** for **HB 10**, **SS** for **SCS** for **HB 184**, **SS** for **SCS** for **HB 209**, **SCS** for **HB 256**, **CCS** for **SS** for **SCS** for **HCS** for **HB 430**, **HCS** for **HB 465**, **HB 484** and **SCS** for **HB 1008** when the bills were called by the Speaker.

On motion of Senator Dempsey, the Senate of the Veto Session of the First Regular Session of the 96th General Assembly adjourned sine die, pursuant to the Constitution.

PETER D. KINDER
Lieutenant Governor

TERRY L. SPIELER
Secretary of Senate

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